

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINO AND CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
July 6, 2021**

The meeting was opened at 5:04 p.m. by Chairperson Payment.

Present: Kim Gravelle, Austin Lowes, DJ Hoffman, Betty Freiheit, Michael McKerchie, Lana Causley, Catherine Hollowell, Bridgett Sorenson, Keith Massaway, Denise Chase, Darcy Morrow, Charles Matson, and Aaron Payment.
Absent: Catherine Hollowell.

Moved by Director Freiheit, supported by Director Lowes, to approve the agenda as read.

Motion carried unanimously.

Moved by Director Causley, supported by Director Hollowell, to approve Res. 2021-152, Tribal Court – Judicial Services FY 2021 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2021 budget modification to Judicial Services for a decrease in Tribal Support monies of \$44,187.11 and BIA Revenue monies of \$41,475.00. Decrease Other Revenue monies – transfer out \$3,579.96. This budget modification reflects actual expenditures and changes to the personnel page.

Motion carried unanimously.

Moved by Director Gravelle, supported by Director Massaway, to approve Res. 2021-153, Sault Health Medical Nursing FY 2021 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2021 budget modification to Sault Health Medical Nursing to change the personnel sheet and reallocate expenses. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Causley, supported by Director Sorenson, to approve Res. 2021-154, Substance Abuse and Mental Health Services Establishment of FY 2022 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 2022 budget for Substance Abuse and Mental Health Services with Federal HHS Revenue monies of \$1,740,510.00. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Morrow, supported by Director Gravelle, to approve Res. 2021-155, 105 (1) Leasing Program.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Tribal Chairperson Aaron Payment, or his designee, to apply for, negotiate, execute, and amend any contracts necessary on the Tribe's behalf for the Indian Health Service's 105 (1) Leasing Program in pursuit of Indian Health Services dollars to the Health Division specific for enhanced Health Division's services, facilities, operations, and maintenance.

Motion carried unanimously.

Moved by Director Causley, supported by Director Sorenson, to approve Res. 2021-156, ACFS-Subpart Funds Supporting Foster Youth & Families Establishment of FY 2021 and 2022 Budgets.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2021 budget for Subpart Funds for Supporting Foster Youth and Families with Federal HHS Revenue monies of \$15,000.00. These funds are from the Pandemic Act. No effect on Tribal Support.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2022 budget for Subpart Funds for Supporting Foster Youth and Families with Federal HHS Revenue monies of \$33,924.00. These funds are from the Pandemic Act. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Gravelle, supported by Director Morrow, to approve Res. 2021-157, ACFS – Low Income Household Water Assistance Programs Establishment of FY 2022 Budgets.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2022 budget for Low Income Household Water Assistance Program - ARPA with Federal HHS Revenue monies of \$56,094.00. These funds are from the American Rescue Plan Act. No effect on Tribal Support.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2022 budget for Low Income Household Water Assistance Program with Federal HHS Revenue monies of \$71,796.00. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Freiheit, supported by Director Massaway, to approve Res. 2021-158, ACFS – Child Care Development Fund ARPA Establishment of FY 2021 and 2022 Budgets.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2021 budget for Child Care Development Fund with Federal HHS Revenue monies of \$337,009.01. These funds are from the American Rescue Plan Act. No effect on Tribal Support.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2022 budget for Child Care Development Fund with Federal HHS Revenue monies of \$1,835,046.98. These funds are from the American Rescue Plan Act. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Gravelle, supported by Director Hoffman, to approve Res. 2021-159, ACFS Division – USDA FY 2021 and FY 2022 Budget Modifications.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2021 budget modification to USDA for an increase in Federal USDA monies of \$3,398.00 and increase in Tribal Support monies of \$15,555.14. This budget modification reflects actual expenditures and a reallocation of expenses.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2022 budget modification to USDA for a decrease in Federal USDA monies of \$24,323.24 and increase in Tribal Support monies of \$23,324.16.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Freiheit, to approve Res. 2021-160, Buildings – Child Care Building Establish FY 2021 and FY 2022 Budgets.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2021 budget for the new Child Care Building with Other Revenue monies of \$136,355.24. This may have an effect Tribal Support.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2022 budget for the new Child Care Building with Other Revenue monies of \$226,759.99. This may have an effect Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Sorenson, supported by Director Chase, to approve Res. 2021-161, Sawyer Village FY 2021 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2021 budget modification for Sawyer Village for changes to the personnel sheet and increase in net income of \$248.96.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Causley, to approve Res. 2021-162, Authorization to Enter into Listing Agreement for Lease.

NOW, THEREFORE, BE IT RESOLVED, that DeMawating Development is hereby authorized to negotiate and enter into a Listing agreement with a local Commercial Real Estate Brokerage to market the Malcolm school as may be necessary to obtain the greatest economic advantage for the tribe by leasing the property.

BE IT FURTHER RESOLVED, that the Board of Directors authorizes the EDC Executive Director, or his designee, to execute all documents necessary to lease the Malcolm School at a lease rate that provides a satisfactory return on the investment.

Motion carried unanimously.

Moved by Director Massaway, supported by Director Sorenson, to approve Res. 2021-163, Authorization to Purchase Billboard Permits.

NOW, THEREFORE, BE IT RESOLVED, that the EDC Department is hereby authorized to negotiate the purchase of the billboard permit for a price agreed upon at a workshop discussing such purchase.

BE IT FURTHER RESOLVED, that the Board of Directors authorized the EDC Executive Director, or his designee, to execute all documents necessary to acquire the permits, including transferring the permits and registering permits, with the State of Michigan Commercial Sign Permit – Billboard Permit Department.

Motion carried unanimously.

Moved by Director Massaway, supported by Director Hoffman, to approve Res. 2021-164, Adopting Addendum to the Municipal Employees' Retirement System Defined Benefit Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby approve and adopt the MERS Defined Benefit Plan Adoption Agreement Addendum, effective as of January 1, 2021.

BE IT FURTHER RESOLVED, that the Tribe's express reservations and limited waivers established under Resolution 2016-229, including the limited waiver of the Tribe's sovereign immunity, remain effective as applied to the MERS Defined Benefit Plan.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairperson, or his designee, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution, including any additional addendums of the MERS Defined Benefit Plan of substantially the same form requiring technical additions or corrections.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Morrow, to approve Res. 2021-165, Allowing for Improved Execution of COVID-19 Rescue Act Membership Assistance Program Distributions.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby authorize the access and use of the Tribe's membership list in the preparation and execution of expenditures and reimbursements made under the COVID-19 Rescue Act Membership Program.

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes and approves the expenditure of up to \$91,000,000.00 of the Tribe's American Rescue Act Plan relief funds pursuant to the execution of the COVID-19 Rescue Act Membership Program.

BE IT FURTHER RESOLVED, that the Board of Directors grants a waiver of the Tribe's procurement policies, process, and procedures in order to streamline and expedite the disbursement of COVID-19 Rescue Act Membership Assistance Program expenditures and disbursements.

BE IT FURTHER RESOLVED, that the Board of Directors grants a waiver of the Tribe's policy and practice regarding the use and submission of W-9 forms when making distributions to Tribal members.

BE IT FURTHER RESOLVED, that the Board of Directors establishes the date of September 30, 2021, for the return of all COVID-19 Rescue Act Membership Program application forms issued to enrolled adult Tribal members age 18 and over.

BE IT FURTHER RESOLVED, that the Board of Directors establishes the date of December 31, 2021, for the return of all COVID-19 Rescue Act Membership Program application forms completed on behalf of enrolled Tribal member minors under the age of 18.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairperson, or his designee, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

Motion carried unanimously.

Moved by Director Massaway, supported by Director Hoffman, to approve Res. 2021-166, Approving Purdue Bankruptcy Restructuring Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby approve a vote in favor of confirming the proposed Purdue Pharma bankruptcy restructuring plan as proposed in June 2020.

BE IT FURTHER RESOLVED, that the Board of Directors authorizes the firm of Sonosky, Chambers, Sachse, Endreson & Perry, LLP to cast the Tribe's vote in favor of approving the proposed Purdue Pharma bankruptcy restructuring plan in the bankruptcy proceedings.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairperson, or his designee, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Morrow, to approve Res. 2021-167, COVID American Rescue Act Funds.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Tribe Board of Directors has identified the Recovery Campus project (collaboration of Sault Tribe, Betty Ford and Hazleton) as essential to the Health and Welfare of its Membership and hereby budgets \$25 million dollars from the American Recovery Act funds (currently received) to address these issues future Board Actions.

BE IT FURTHER RESOLVED, that the Sault Tribe Board of Directors has also identified the impact of COVID-19 wage inflation has had upon its Recruitment and Retention of current and potential Team Membership that are a key contributors to the successes of the Tribe and hereby budgets \$10 million dollars from the American Recovery Act funds (currently received) to address longstanding compensation issues in future Board Actions.

BE IT FINALLY RESOLVED, that the Board of Directors directs that any additional commitments regarding the American Recovery Act Funds (excluding Revenue Replacement) shall require extensive input of Staff, the Membership, and the Board of Directors. This shall include Sault Tribe Facilitated Public input sessions with any/all Membership that wish to attend in person or virtually.

Roll Call Vote: Motion carried unanimously.

Moved by Director Freiheit, supported by Director Lowes, to approve the Res. Title All Means All in Equitable Pandemic Relief to Tribal Members.

Roll Call Vote: Motion denied with Directors Freiheit, Lowes approving; Directors Hollowell, Massaway, Morrow, Gravelle, Causley, Chase, McKerchie, Matson, Sorenson, Hoffman opposing.

Moved by Director Hoffman, supported by Director Sorenson, to authorize the Asst. Executive Director to select a committee to administratively process and select higher education scholarships on an interim basis.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Massaway, to approve a Small Mesh Permit for Robert Peterson for the 2021 Fishing Season.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Hollowell, to approve Res. 2021-168, Authorization to Purchase Real Estate.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes its Chairperson, Aaron A. Payment and its Treasurer, Keith Massaway or their designee to negotiate and execute any documents necessary to effectuate the purchase of the following parcels of land, at a price not to exceed the amount discussed in the workshop on 7/6/21, plus any legal fees, and closing costs for the following parcels:

Parcel 1) Property located in the Township of Clark, Mackinac County, Michigan, Tax parcel ID 003-416-017-10
Parcel 2) Property located in the City of Sault Ste Marie, Chippewa County, Michigan, Tax parcel ID 051-060-052-00, 05-1060-039-00, 051-060-052-10, 051-060-043-00, 051-060-045-00, and 051-060-049-50.

Funds utilized for the purchase shall be transferred by the CFO from the Tribal Tax and Appropriation Account in company 125.

Roll Call Vote: Motion carried with Directors Matson, Hoffman, Morrow, Causley, Massaway, Chase, Sorenson, Hollowell, Gravelle approving; Directors McKerchie, Freiheit, Lowes opposing.

Moved by Director Sorenson, supported by Director Massaway, to approve Res. 2021-169, Authorization to Sign Letter of Commitment and Dedicate Funds.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians, hereby authorizes its Chairperson, Aaron A. Payment or his designee, to negotiate and execute any documents necessary, to effectuate the signing of a commitment of up to \$585,000 of unencumbered funds, to the EDA for the purpose of match to their grant.

Funds utilized for the purchase shall be unencumbered and increase the FY'21 Tribal Operations Budget.

Roll Call Vote: Motion carried unanimously.

Moved by Director Sorenson, supported by Director Hoffman, to approve Res. 2021-170, Authorization to Commit to Crane Industrial Suites Contractor.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes its Chairperson, Aaron A. Payment or his designee, to negotiate and execute any documents necessary, to effectuate the signing of commitment, to pay up to a maximum of \$175,000 penalty, to exit the contract if all funding doesn't come to fruition.

Roll Call Vote: Motion carried unanimously.

Moved by Director Gravelle, supported by Director Hoffman, to table the issue of the legal email and to place on the next workshop and meeting agenda.

Roll Call Vote: Motion carried with Directors Gravelle, Sorenson, Matson, McKerchie, Causley, Hoffman, Massaway, Morrow, Hollowell, Chase approving; Directors Freiheit, Lowes opposing.

Meeting adjourned: 6:19 p.m.

Date: 7-20-2021 Secretary: Bridgett Sorenson

Others present: Christine McPherson, Robert Schulte, Tasha Caldwell, Jen Clerc, JR Loera, Joel Schultz, Leo Chugunov, Sheila Berger, Kristyn Libby, Linda Grossett, Joanne Carr.