

ROLL CALL MATRIX

Meeting Date: 6-17-08

P	A	Res. Number	133	134	135	136	137	138			
		2008									
		Unanimous		U	U	U	U	U			
✓		Cathy Abramson	Y		2	2					
✓		Joe Eitrem	Y				1	2			
✓		Todd Gravelle	Y			1		1			
✓		DJ Hoffman	Y				2				
✓		Dennis McKelvie	Y	1	1						
✓		Lana Causley	1 Y								
✓		Bob LaPoint	Y								
✓		Keith Massaway	Y								
✓		Fred Paquin	2 Y								
✓		Denise Chase	N								
✓		Tom Miller	Y	2							
✓		Shirley Petosky	Y								
✓		Aaron Payment									

- 1 = Made Motion
- Y = Voted Yes
- A = Abstained
- S = Sponsored by Board Member
- 2 = Second/Support Motion
- N = Voted No
- U = Unanimous



RESOLUTION NO: 2008 - 133

**AMENDING CHAPTERS 71 AND 36
PROHIBITING USE OF TOBACCO BY MINORS
EXCEPT FOR RELIGIOUS OR CEREMONIAL PURPOSES**

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby amends Section 71.1504, renumbers Sections 36.807, 36.808, and 36.809 to become 36.808, 36.809, and 36.810 and adopts Sections 71.1505, 71.1506 and a new 36.807 of the Tribal Code, in the form set forth below, and mandates that this Code shall be the law of this Tribe.

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71.1505 Under Age Possession of Tobacco by a Minor.

(1) Offense. A person under the age of Eighteen (18) years commits the offense of under age possession of tobacco, if he buys, receives, possesses or consumes, or attempts to buy, receive or possess any tobacco containing product.

(2) A person convicted of under age possession of tobacco may be sentenced to the following:

(a) upon a first offense, one session of education, to include traditional use and commercial abuse education, one educational tobacco related assignment, and two hours volunteer work in the community; and

(b) upon a second offense, three weekly educational sessions of one hour each with a local youth education staff member; and

(c) upon a third offense, a minimum of eight hours volunteer work, not to exceed 24 hours; and

(d) upon a fourth and subsequent offense, confinement in an appropriate facility for a period not to exceed one (1) month, or to pay a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00), or both.

(3) For the purposes of this section, the term "tobacco containing product" shall include, but not be limited to cigars, cigarettes, snuff, chewing tobacco, and the raw materials necessary to prepare these products.

(4) Affirmative Defense. Any person charged with under age possession of tobacco shall be relieved of all liability for the offense if he or she can demonstrate that the possession of the tobacco was done for religious or ceremonial purposes.

71.1506 Delivery of Tobacco to a Minor.

(1) Offense. A person commits the offense of delivery of tobacco to a minor, if he sells, furnishes, procures for, or knowingly assists in the furnishing of any tobacco containing product to any person under the age of eighteen (18) years.

(2) Sentence. A person convicted of delivery of tobacco to a minor may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

(3) For the purposes of this section, the term "tobacco containing product" shall include, but not be limited to cigars, cigarettes, snuff, chewing tobacco, and the raw materials necessary to prepare these products.

(4) Affirmative Defense. Any person charged with delivery of tobacco to a minor shall be relieved of all liability for the offense if he or she can demonstrate that the delivery of the tobacco was done for religious or ceremonial purposes.

36.807 Under Age Possession of Tobacco by a Minor.

(1) A person under the age of Eighteen (18) years shall not buy, receive, possess or consume, or attempt to buy, receive or possess any tobacco containing product.

(2) A person violating this Section may be ordered to do the following:

(a) upon a first violation, one session of education, to include traditional use and commercial abuse education, one educational tobacco related assignment, and two hours volunteer work in the community; and

(b) upon a second violation, three weekly educational sessions of one hour each with a local youth education staff member; and

(c) upon a third violation, a minimum of eight hours volunteer work, not to exceed 24 hours; and

(d) upon a fourth and subsequent violations, confinement in an appropriate facility for a period not to exceed one (1) month, or to pay a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00), or both.

(3) For the purposes of this section, the term "tobacco containing product" shall include, but not be limited to cigars, cigarettes, snuff, chewing tobacco, and the raw materials necessary to prepare these products.

(4) Affirmative Defense. Any person charged with under age possession of tobacco shall be relieved of all liability for the offense if he or she can demonstrate that the possession of the tobacco was done for religious or ceremonial purposes.

36.808 Enforcement.

(1) Any Tribal Law Enforcement Officer may enforce the provisions of this subchapter.

(2) Any person authorized to enforce the provisions of this Chapter may stop and question any person upon reasonable belief that there is a violation of this Chapter. Any person authorized to enforce this Chapter may issue a citation to any person upon reasonable belief that such person has violated a provision of this Chapter and may seize and hold any property needed as evidence or any property authorized to be seized pursuant to the civil remedial forfeiture provisions of this Chapter.

36.809 Resisting or Fleeing an Officer.

No person may assault, obstruct or flee from any law enforcement officer enforcing or attempting to enforce the provisions of this Chapter.

36.810 Enforcement Procedure.

The Juvenile Division shall have jurisdiction over cases brought to enforce this subchapter. Proceedings shall be conducted in accordance with the provisions of Subchapter V. Jurisdiction is hereby conferred upon the Tribal Court over matters related to the enforcement of this subchapter regarding individuals over seventeen (17) years old.

71.1504 Under Age Possession of Liquor by a Minor.

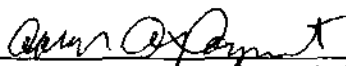
(1) Offense. A person under the age of twenty-one (21) years commits the offense of under age possession of liquor, if he buys, receives, possesses or consumes, or attempts to buy, receive or possess any beer, wine or intoxicating liquor.

(2) A person convicted of under age possession of liquor may be confined in an appropriate facility for a period not to exceed one (1) month, or to pay a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00), or both.


(3) For the purposes of this section, the terms "beer," and "wine," and "intoxicating liquor" shall have the meaning as defined in Tribal Code Chapter 41: Liquor Control Ordinance, and particularly '41.202(1), (13) and (7), respectively.

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 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 17 day of June 2008; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 1 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.



Aaron Payment, Tribal Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians



Lana Causley, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2008-134
**MOU WITH U.S. ENVIRONMENTAL PROTECTION AGENCY FOR
STORMWATER CREDENTIAL**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians Environmental Department has the technical capabilities and personnel to self regulate storm water runoff occurring from construction on tribal lands; and

WHEREAS, the Tribal inspectors who are issued a federal credential will be authorized representatives of EPA and will assist the Agency in carrying compliance monitoring responsibilities; and

WHEREAS, the Tribe will retain it's independent authority under Tribal law and Tribal inspectors with federal credentials will only use those credentials in accordance with the attached MOU, the Guidance, federal law and regulations and EPA policy for the purpose of assisting EPA in carrying out its responsibilities under federal environmental statutes; and


WHEREAS, the results of inspections carried out by Tribal inspectors may be used by EPA in follow-up compliance monitoring and enforcement actions; however, EPA is responsible for subsequent enforcement action.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby accepts the conditions of the MOU.

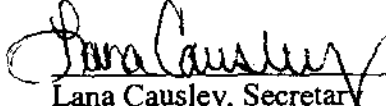
BE IT FURTHER RESOLVED that the Chairperson of the Sault Ste. Marie Tribe of Chippewa Indians, on behalf of the Environmental Department is authorized and directed to execute the MOU with the United States EPA.

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 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 17 day of June 2008; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.



Aaron Payment, Tribal Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians



Lana Causley, Secretary
Sault Ste. Marie Tribe of
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RESOLUTION NO: 2008-135

FY 2008 CULTURAL CAMP NATURE TRAIL
JUNE 2008

Min Waban Dan

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the attached FY 2008 Budget Modification to establish a budget for Cultural Camp Nature Trail with Federal US Farm Bill and IRR Roads funds.

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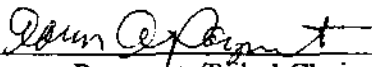
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CERTIFICATION

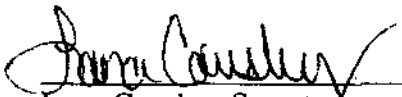
We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 17 day of June 2008; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

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Aaron Payment, Tribal Chairperson
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Lana Causley, Secretary
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RESOLUTION NO: 2008-126

**FY 2008 APPELLATE DEFENSE
JUNE 2008**

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BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2008 Budget Modification to establish a budget for Appellate Defense with Tribal Support monies \$25,925.00. The Board of Directors further directs that only the Tribal Court Trial Judge has the authority to appoint appellate indigent defense.

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 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 17 day of June 2008; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron Payment, Tribal Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Lana Causley, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2008-137

**GRANT APPLICATION APPROVAL
COMPETITIVE GRANT
SPIRIT OF EAGLES**

Min Waban Dan

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, as amended; and

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WHEREAS, the Sault Ste. Marie Tribe has affirmed the commitment to eliminate health disparities and promote the health of Tribal members, and

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WHEREAS, the Spirit of EAGLES program based at the Mayo Clinic Comprehensive Cancer Center funded under the National Cancer Institute has grant funds available for reducing disparities in cancer occurrence among minority and under-served peoples and improving cancer outcomes among American Indians and Alaska Natives.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Aaron Payment, Tribal Chairperson, to sign, negotiate, amend, and execute any agreements thereof for the Spirit of EAGLES competitive grant to reduce disparities in cancer occurrence among minority and under-served peoples and improve cancer outcomes among American Indians and Alaska Natives administered by the National Cancer Institute.

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 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 17 day of June 2008; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron Payment, Tribal Chairperson
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Chippewa Indians

Lana Causley, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2008-138

**2008-2009 ENVIRONMENTAL PROTECTION
TRIBAL ENVIRONMENTAL GENERAL ASSISTANCE**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the provisions of the Indian Reorganization Act of 1934, as amended; and

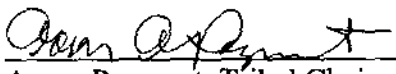
WHEREAS, the U.S. Environmental Protection Agency intends to fulfill its Trust Responsibility by providing for Tribal Capacity to self govern; and

WHEREAS, the Tribal Natural Resource Protection is a priority and the EPA General Assistance Grant Program provides a mechanism.

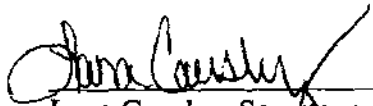
NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians authorizes its Chairperson Aaron Payment, to sign, negotiate, amend, and execute any grant agreement thereof for the 2008-2009 General Assistance Grant Program with the United States Environmental Protection Agency.

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 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 17 day of June 2008; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.



Aaron Payment, Tribal Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians



Lana Causley, Secretary
Sault Ste. Marie Tribe of
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