

ROLL CALL MATRIX

Meeting Date: Aug 5, 08

P	A	Res. Number						
		2008	158	159	160	161		
		Unanimous	21			21		
✓		Cathy Abramson	1	Y	Y	1		
✓		Joe Eitrem		Y	1Y			
✓		Bernard Bouschor		Y	Y			
✓		DJ Hoffman	2	N	N			
✓		Dennis McKelvie		1Y	Y			
✓		Lana Causley	<hr style="border: 0; border-top: 1px solid black; width: 100%;"/>					
✓		Bob LaPoint		Y	Y			
✓		Keith Massaway		2Y	Y			
✓		Pat Rickley		Y	Y	2		
✓		Denise Chase		Y	Y			
✓		Tom Miller	<hr style="border: 0; border-top: 1px solid black; width: 100%;"/>					
✓		Shirley Petosky		Y	2Y			
✓		Joe McCoy	<hr style="border: 0; border-top: 1px solid black; width: 100%;"/>					

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

Note: Vice-Chair Lana Causley chaired the meeting -



RESOLUTION NO: 2008-158

TRIBAL WILDLIFE GRANT

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 has signed the 2007 Inland Consent Decree which requires the Tribe to manage its' wildlife resources; and

WHEREAS, the Inland Fish and Wildlife Department is tasked maintaining viable fish and wildlife populations in the Treaty of 1836 ceded territory; and

WHEREAS, the Snowshoe Hare and the Canada Lynx are important natural and cultural resources for the Tribal membership; and

WHEREAS, a key component in the management process is to conduct population and habitat assessments and develop management plans; and

WHEREAS, the US Fish and Wildlife Service provides funding for the management of wildlife through its Tribal Wildlife Grant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Darwin "Joe" McCoy, Tribal Chairperson, or his duly authorized representative to sign, negotiate, amend and execute any agreements thereof for the 2009 Tribal Wildlife Grant administered by the US Fish and Wildlife Service.

CERTIFICATION

We, the undersigned, as Chairman 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 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of August 2008; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Darwin "Joe" McCoy, Tribal Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

DJ Hoffman, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

Min Waban Dan

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Government Services

Membership Services

APPELLATE RESERVE JUDGES



WHEREAS, Tribal Code Section 82.103 states that "[f]ive (5) judges, appointed by the Board of Directors, shall sit as the Court of Appeals and hear all cases ... Any number of judges may be appointed as reserve judges, who shall be available to serve on the Court of Appeals to hear a particular appeal for which an appellate judge is disqualified or otherwise unable to sit"; and

WHEREAS, Michael Winnick resigned as an appellate judge on March 26, 2008; and

WHEREAS, former reserve appellate judge Wm. Dyke Justin was appointed an appellate judge and, therefore, is no longer an appointed reserve appellate judge; and

WHEREAS, Jeannine Gable passed away on July 18, 2008, leaving only four appellate judges and no reserve judges serving on the Court of Appeals; and

WHEREAS, Thomas Weiss has the experience necessary to serve as a reserve appellate judge. Mr. Weiss, a cum laude graduate of Michigan State University College of Law, is a solo practitioner with substantial experience in civil, criminal and family law. Additionally, Mr. Weiss has judicial experience, as he clerked for the Hon. Richard F. Surheinrich on the U.S. Court of Appeals for the Sixth Circuit. He is admitted to practice in the Saginaw Chippewa Tribal Court.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Tribe to contract with Attorney Thomas Weiss for the position of reserve appellate judge.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians does hereby appoint Thomas Weiss to act as reserve appellate judge for the Sault Ste. Marie Tribe of Chippewa Indians Appellate Court, together with all of the authority and responsibility that attends to that position.

BE IT FURTHER RESOLVED, that Darwin McCoy, Tribal Chairman, or his duly authorized designees, are authorized to sign, negotiate, amend or rescind any agreement thereto.

CERTIFICATION

We, the undersigned, as Chairman 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 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of August 2008; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 1 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Darwin "Joe" McCoy, Tribal Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

DJ Hoffman, Secretary
Sault Ste. Marie Tribe of
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RESOLUTION NO: 2008-160

**CONSENT TO WAIVER OF TRIBAL COURT JURISDICTION
ORTHO-CLINICAL DIAGNOSTICS**

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

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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 Health Division has negotiated a contract with Ortho Clinical Diagnostics, a Johnson & Johnson Company (hereinafter "Ortho") for medical supplies and reagents which will be used to provide medical services to the Tribe's members and non-member patients.

1.3 Ortho has refused to consent to a modification of its contract in a manner that would permit the Tribe to contract without a waiver of Tribal Court jurisdiction.

1.4 In order to induce Ortho 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 exclusive Tribal Court jurisdiction with respect to any matter pertaining to disputes arising from the Ortho contract. Further, the Tribe is required to agree to the interpretation of the Agreement pursuant to the law of the State of Michigan. Additionally, the agreement requires both parties to waive (1) the right to trial by jury, and (2) the right to seek or collect punitive, exemplary, cover, multiplied or consequential damages, neither side will seek from the other prejudgment interest or attorneys' fees or costs. 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 Ortho 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 or his designee, for and on behalf of the Tribe to enter into such agreements on such terms and conditions as he deems necessary concerning governing law and waiver of Tribal Court jurisdiction.

2.2 The Board of Directors authorizes and directs the Tribe to give its express consent to the terms and provisions of the Ortho 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 TRIBAL COURT JURISDICTION

3.1 The Board of Directors waives the right to claim exclusive jurisdiction of the Tribal Court over any action arising under the Ortho contract.

CERTIFICATION

We, the undersigned, as Chairman 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 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of August 2008; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 1 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.



Darwin "Joe" McCoy, Tribal Chairman
Sault Ste. Marie Tribe of
Chippewa Indians



DJ Hoffman, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2008-161

**FY 2008 FISHERIES MODIFICATION
JULY 2008**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the budget modifications to Nunn's Creek Fisheries Rehab Hatchery for the addition Federal Grant BIA monies of \$14,000.

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Darwin "Joe" McCoy, Tribal Chairman
Sault Ste. Marie Tribe of
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DJ Hoffman/Secretary
Sault Ste. Marie Tribe of
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