

**BOARD OF DIRECTORS REGULAR MEETING  
KEWADIN CASINO AND CONVENTION CENTER  
SAULT STE. MARIE, MICHIGAN  
MINUTES  
FEBRUARY 2, 2010**

The meeting was opened at 6:07 p.m. by Vice-Chair Causley.

Present: Dennis McKelvie, DJ Hoffman, Cathy Abramson, Joe Eitrem, Bernard Bouschor, Lana Causley, Bob LaPoint, Pat Rickley, Keith Massaway, Denise Chase, Tom Miller, Shirley Petosky.

Absent: Joe McCoy- CORA meeting.

**Moved by Director Miller, supported by Director Petosky, to excuse Chairman McCoy from the meeting.**

**Motion carried unanimously.**

**Presentation- Notice of Election, Michael McKerchie, Election Chairman.**

**Moved by Director Miller, supported by Director Massaway, to approve the agenda as written.**

**Motion carried unanimously.**

**Without objection, the resolutions regarding the Transportation Program will be taken off agenda and the resolution regarding the Random Drug Testing will be added. No objections.**

**Moved by Director Hoffman, supported by Director Miller, to suspend the rules and add the resolution regarding Huntington Bank to the agenda.**

**Motion carried unanimously.**

**Moved by Director Rickley, supported by Director Miller, to approve Resolution 2010-33, Health Centers Compensation Modernization.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby directs the Human Resources Department and Health Division to adopt the wage grids as set forth in the Report on Compensation Plan Recommendations written by the Horne Group of business advisors; and

BE IT FURTHER RESOLVED, that the Board of Directors adopts the attached Compensation Administrative Guidelines for the Health Division, and directs that these guidelines shall govern and control the compensation for Direct Care Health Professionals, and that these listed employee positions shall be given a copy of these Guidelines as part of orientation; and

BE IT FURTHER RESOLVED, that the Health Division is directed to undertake a pilot Pay for Performance evaluation system, tracking Direct Care Health Professionals' performance for the period March 1, 2010 through September 30, 2010, and shall report back to this Board a full report of the Pay For Performance program results for each Direct Care Health Professional for review during November, 2010.

BE IT FURTHER RESOLVED, that the Health Division shall present for review by this Board a proposed Pay for Performance Budget to be implemented in FY2011, with the proposed FY2011 budget documents.

**Roll Call Vote: Motion carried with Directors Hoffman, Rickley, Abramson, Petosky, Bouschor, LaPoint, Eitrem, Miller, Directors Chase, McKelvie, Massaway opposing.**

**Moved by Director Eitrem, supported by Director Miller, to approve Resolution 2010-34, National Oceanic and Atmospheric Administration and National Weather Service Remote Community Alert Systems Program 2010.**

THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes application for the NOAA / NWS Remote Community Alert Systems Program 2010, and that this resolution serves as the Sault Ste. Marie Tribe of Chippewa Indians' support of the project for the entire project period.  
BE IT FURTHER RESOLVED that the Chairman of the Tribe, or his designee, is authorized to execute or amend all documents relating to the grant application and award.

**Motion carried unanimously.**

**Moved by Director Miller, supported by Director Rickley, to approve Resolution 2010-35, 2010 Office of Indian Education (OIE) Demonstration Grant.**

NOW THEREFORE BE IT RESOLVED, the Sault Ste. Marie Tribe of Chippewa Indians supports the submission of a 2010 Office of Indian Education Demonstration Grant to the U.S. Department of Education for a four-year project named Project Binoogiin Gezhiitaajik (Children Getting Ready).  
BE IT FURTHER RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Darwin "Joe" McCoy, Tribal Chairman, or his duly authorized representative to sign, negotiate, amend, and execute any agreement thereof for the grant program.

**Motion carried unanimously.**

**Moved by Director Eitrem, supported by Director Hoffman, to approve Resolution 2010-36, Government Relations and Legal Special Projects FY 2010 Budget Modifications.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2010 budget modification to Government Relations, to reduce Consulting \$48,000, and the FY 2010 budget modification to Legal Special Projects, to increase Consulting \$48,000.

**Roll Call Vote: Motion carried with Directors Rickley, Hoffman, Abramson, McKelvie, LaPoint, Eitrem, Massaway, Chase, Petosky, Miller approving, Director Bouschor opposing.**

**Moved by Director Massaway, supported by Director Bouschor, to approve the resolution regarding the gas stations.**

**Roll Call Vote: Motion denied with Directors Rickley, Abramson, Bouschor, Eitrem, McKelvie, Massaway approving, Directors Chase, Hoffman, Petosky, LaPoint, Miller opposing. Note: Although the resolution passed, the vote needed to have a vote of 7 to approve.**

**Moved by Director Miller, supported by Director Hoffman, to approve the resolution regarding random drug testing.**

**Roll Call Vote: Motion denied with Directors Hoffman, Abramson, Bouschor, Miller approving, Directors Eitrem, Rickley, Petosky, Massaway, McKelvie, LaPoint opposing. Director Chase was out of the room at the time of the vote.**

**Moved by Director Hoffman, supported by Director Massaway, to approve Resolution 2010-37, Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction Credit Agreement with Huntington Bank.**

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 currently has a "Line of Credit" with Huntington Bank ("Bank") which was authorized by Resolution 2008-184; and

1.3 The Tribe wishes to amend this Line of Credit to extend the interest only period for an additional six (6) months; and

1.4 Bank has refused to consent to such amendment without a waiver of sovereign immunity or Tribal Court jurisdiction.

1.5 In order to induce Bank to enter into the amended Line of Credit, 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 Bank that might arise from, or relate to, in any respect, the Line of Credit. All of the foregoing are referred to herein as the "Waiver and Consent Obligations."

1.6 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 Bank only should an action be commenced under the Bank contract referenced above.

This waiver:

i) shall terminate upon performance by the Tribe of all of its obligations under the Line of Credit or any subsequent extensions of the Line of Credit

ii) is granted solely to Bank;

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 Bank 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 Line of Credit.

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

v) shall be enforceable against the assets of the Tribe to the extent necessary to satisfy the Tribe's obligation under the line of credit, note and other finance documents, including but not limited to any Tribal property or assets pledged under those finance documents; and

vi) the Note, line of credit, and other associated finance documents shall be construed in accordance with and governed by the internal laws of the State of Michigan, 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, including any courts to which decisions may be appealed, with respect to any controversies arising from this resolution or any of the finance documents, note or line of credit.

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 Line of Credit.

**Roll Call Vote: Motion carried with Directors Rickley, Hoffman, Abramson, McKelvie, Eitrem, Massaway, Petosky, Miller approving, Directors LaPoint, Bouschor opposing.**

**Moved by Director Eitrem, supported by Director Rickley, to accept the recommendation of the Special Needs/Enrollment Committee and relinquish the following: Lawrence E. Paukstat, William L. Paukstat, and Alicia D. Paukstat.**

**Motion carried unanimously.**

Moved by Director Miller, supported by Director Massaway, to accept the resignation of Rick Haverkate from the Health Committee and to appoint Michael Pins to the Special Needs/Enrollment Committee, for a two year term, expiring February 2012.

Motion carried unanimously.

Moved by Director Miller, supported by Director Hoffman, to move into Closed Session.

Motion carried unanimously.

Moved by Director Miller, supported by Director Massaway, to reconvene Open Session.

Moved by Director Miller, supported by Director Abramson, to support the hiring of the second applicant for the Chief Judge position.

Roll Call Vote: Motion carried with Directors Rickley, Hoffman, Abramson, LaPoint, Massaway, Chase, Petosky, Miller, Bouschor approving, Director Eitrem abstaining. Director McKelvie was out of the room, at the time of the vote.

Moved by Director Miller, supported by Director Rickley, to adjourn the meeting.

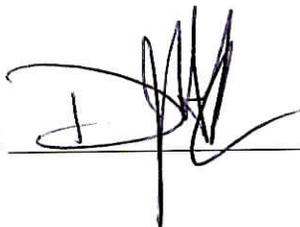
Motion carried.

Meeting adjourned: 7:12 p.m.

Date:

4/28/10

Secretary:



Others present: Lona Stewart, Tara Benoit, Kristi Harwood, Tom Dorwin, Bill Connolly, Tony Goetz, Bob Marchand, Vic Matson, Tony Abramson, Angeline Matson, Dr. Werner, Aaron Schlehber, Courtney Kachur, Carol Eavou, Joanne Carr.