

**BOARD OF DIRECTORS REGULAR MEETING  
KEWADIN CASINO AND CONVENTION CENTER  
SAULT STE. MARIE, MICHIGAN  
MINUTES  
JULY 27, 2010**

The meeting was opened at 6:05 p.m. by Chairman McCoy.

Present: Cathy Abramson, Joe Eitrem, Bernard Bouschor, Debra Pine, DJ Malloy, Lana Causley, Catherine Hollowell, Pat Rickley, Keith Massaway, Denise Chase, Tom Miller, Joan Anderson, Joe McCoy.

Absent:

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

**Motion carried unanimously.**

**Moved by Director Miller, supported by Director Eitrem, to take off the agenda the resolution regarding the partial waiver for Allard and the negotiating committee, and to add the resolutions regarding LIHEAP, the CSBG, and the motion regarding the OCS Contract.**

**Motion carried unanimously.**

**Moved by Director Chase, supported by Director Abramson, to take off the agenda the resolution regarding the bid award.**

**Roll Call Vote: Motion denied with Directors Abramson, Miller, Pine, Chase, Malloy approving, Directors Rickley, Bouschor, Hollowell, Anderson, Causley, Massaway, Eitrem opposing.**

**Moved by Director Causley, supported by Director Miller, to approve the resolution regarding a partial waiver for Jason Bennett.**

**Roll Call Vote: Motion denied with Directors Hollowell, Eitrem, Chase, Causley approving, Directors Rickley, Malloy, Abramson, Massaway, Anderson, Miller, Bouschor opposing, Director Pine abstaining.**

**Moved by Director Causley, supported by Director Bouschor, to approve Resolution 2010-144, Partial Waiver of Convictions for Mr. Timothy Peltier.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76 grants a partial waiver to Mr. Timothy Peltier, for the convictions of:

1. Home Invasion, 2<sup>nd</sup> Degree, pled guilty on 05/18/07.

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

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**Moved by Director Causley, supported by Director Miller, to approve Resolution 2010-145, Partial Waiver of Convictions for Mr. Derek Pierson.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76 grants a partial waiver to Mr. Derek Pierson, for the convictions of:

1. Felony Controlled Substance – Possession of Analogues, pled guilty 08/19/09.
2. Maintaining a Drug House; pled guilty on 08/19/09.

**Roll Call Vote: Motion carried with Directors Abramson, Miller, Pine, Rickley, Bouschor, Hollowell, Anderson, Chase, Causley, Massaway, Malloy approving, Director Eitrem opposing.**

**Moved by Director Massaway, supported by Director Chase, to approve Resolution 2010-146, Pathways/Northcare Network Coordinating Agency Primary Prevention Programming Grant Application.**

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors supports and authorizes an application to be submitted to Pathways-Northcare Network Coordinating Agency for Primary Substance Abuse Prevention Programming funding to support our substance abuse prevention to be facilitated in schools and other community settings.

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.

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

**Moved by Director Eitrem, supported by Director Causley, to approve Resolution 2010-147, Bid Award to U.P. Engineers, Inc. for ARC Project.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Darwin J. McCoy, Tribal Chairman, or his duly authorized representative, to sign, amend, negotiate and execute any agreement resulting thereof with U. P. Engineers, Inc. for the ARC project.

**Roll Call Vote: Motion carried with Directors Rickley, Hollowell, Eitrem, Massaway, Causley, Bouschor approving, Directors Malloy, Abramson, Chase, Anderson, Miller approving, Director Pine abstaining.**

**Moved by Director Abramson, supported by Director Causley, to approve Resolution 2010-148, Task Force Nomination.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Darwin J. McCoy, Tribal Chairman, to submit a Letter nominating Ms. Jump for service on the Section 904 Task Force to the Office on Violence Against Women.

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



**Moved by Director Eitrem, supported by Director Miller, to approve Resolution 2010-149, 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 re-authorized for six months by resolution 2010-37; and

1.3 The Tribe wishes to amend this Line of Credit to extend the interest only period for an additional twelve (12) 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

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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 unanimously.**

**Moved by Director Rickley, supported by Director Miller, to approve Resolution 2010-150, Authorization to Change Signature Authority -Bank Accounts.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorize the signatures of the following attached Bank Accounts. Said accounts will require the signatures of two of the signatories.

BE IT FURTHER RESOLVED, this resolution hereby rescinds all previously approved resolutions regarding signature authority on Bank Accounts.

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

**Moved by Director Miller, supported by Director Causley, to approve Resolution 2010-151, Authorization to Change Signature Authority-Trust Accounts.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of directors hereby authorize the signatures of the following attached Trust Accounts. Said accounts will require the signatures of two of the signatories.

BE IT FURTHER RESOLVED, this resolution hereby rescinds all previously approved resolutions regarding signature authority on Trust Accounts.

**Roll Call Vote: Motion carried with Directors Bouschor, Rickley, Abramson, Causley, Anderson, Pine, Massaway, Eitrem, Malloy, Miller, Hollowell approving, Director Chase opposing.**

**Moved by Director Causley, supported by Director Eitrem, to approve Resolution 2010-152, Debt, FY 2010 Budget Modification.**

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 Debt for an increase in Tribal Support of \$545,000.00.

**Roll Call Vote: Motion carried with Directors Eitrem, Rickley, Malloy, Anderson, Causley, Massaway, Pine approving, Directors Chase, Abramson, Bouschor, Miller, Hollowell opposing.**

**Moved by Director Miller, supported by Director Chase, to table the resolution regarding Tribal Ops.**

**Roll Call Vote: Motion carried with Directors Chase, Abramson, Causley, Pine, Malloy, Miller, Hollowell approving, Directors Bouschor, Rickley, Anderson, Massaway, Eitrem opposing.**



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**Moved by Director Eitrem, supported by Director Massaway, to approve Resolution 2010-153, Human Resources Department 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 modifications to Human Resource-Information Systems, Human Resource-Employment, and Human Resource-Employment Relations to reallocate funding with in and between the three budgets, change the personnel sheets, and reduce Tribal Support \$15,570.64.

**Roll Call Vote: Motion carried with Directors Rickley, Abramson, Anderson, Pine, Massaway, Malloy, Miller, Hollowell approving, Directors Chase, Bouschor, Causley, Eitrem opposing.**

**Moved by Director Miller, supported by Director Chase, to approve Resolution 2010-154, ACFS 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 modifications to ICWA, Binogii, and General Assistance for an increase in Tribal Support \$32,423.24, State Revenue \$4,350, and Other Revenue \$28,997.73, with a decrease in BIA Revenue of \$84,878. These budget modifications reflect actual expenditures to date and the reinstatement of the ACFS Director position.

**Roll Call Vote: Motion carried with Directors Abramson, Miller, Pine, Bouschor, Hollowell, Anderson, Chase, Massaway, Malloy approving, Directors Rickley, Causley, Eitrem opposing.**

**Moved by Director Rickley, supported by Director Eitrem, to approve Resolution 2010-155, Great Lakes Restoration Initiative FY 2010 Budget Modification.**

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 establish a budget for Great Lakes Restoration Initiative with Federal BIA monies \$50,500. No effect on Tribal Support.

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

**Moved by Director Abramson, supported by Director Massaway, to approve Resolution 2010-156, Governmental FY 2010 Capital Purchases Budget FY 2010 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by appropriates a total of \$352,461 as the Governmental FY 2010 Capital Purchases Budget.

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

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**Moved by Director Massaway, supported by Director Rickley, to approve Resolution 2010-157, Low Income Energy Assistance (LIHEAP).**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Chairman, Darwin "Joe" McCoy, or his designee to sign, negotiate, and execute documents on behalf of the Tribe, to obtain a LIHEAP grant award for the purpose of developing, enhancing, and implementing energy assistance services for Tribal members, through FY 2015.

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

**Moved by Director Chase, supported by Director Abramson, to approve Resolution 2010-158, Community Services Block Grant (CSBG).**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Chairman, Darwin "Joe" McCoy, or his designee to sign, negotiate, and execute documents on behalf of the Tribe, to obtain a CSBG Block grant award for the purpose of developing, enhancing, and implementing the Community Services Block Grant Program for Tribal members, through FY 2015.

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

**Moved by Director Bouschor, supported by Director Chase, to accept Dolores LeVeque and Tim Lockwood's resignation from the Unit Five Munising Elder Subcommittee.**

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

**Moved by Director Abramson, supported by Director Eitrem, to appoint the following to the Unit One Elder Subcommittee, all four year terms, expiring May 2014: Joyce McCoy- Elder Advisory Committee; Betty Lounds – Elder Advisory Committee Alternate; Theresa Little – Elder Subcommittee Alternate.**

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

**Moved by Director Causley, supported by Director Abramson, to reappoint Tom McLeod to the Unit Two Hessel Elder Subcommittee, 4 year appointment, expiring May 2014.**

**Roll Call Vote: Motion carried unanimously. (Director Hollowell had stepped out of the room)**

**Moved by Director Anderson, supported by Director Malloy, to appoint Dolores LeVeque, to the Unit Five Munising Elder Subcommittee and Elder Advisory Committee, each for a four year appointment, expiring May 2014.**

**Roll Call Vote: Motion carried with Directors Abramson, Miller, Pine, Rickley, Bouschor, Anderson, Chase, Causley, Massaway, Malloy approving, Director Eitrem opposing. (Director Hollowell had stepped out of the room)**

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**Moved by Director Abramson, supported by Director Eitrem, to terminate the contract between the Sault Ste. Marie Tribe of Chippewa Indians and OCS Capital Group Division of OCS American Companies, L.L.C., dated May 28, 2010. The Board of Directors hereby directs the General Counsel to terminate said contract and recoup retainer funds consistent with the terms of the contract.**

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

**Moved by Director Causley, supported by Director Miller, to accept the recommendation of the Special Needs/Enrollment Committee and disenroll the following: Jennifer Robbins, Kiarra Robbins, and Lois Saxon.**

**Roll Call Vote: Motion carried with Directors Rickley, Malloy, Pine, Hollowell, Eitrem, Massaway, Chase, Causley, Anderson, Miller, Bouschor approving, Director Abramson abstaining.**

**Moved by Director Causley, supported by Director Miller to adjourn the meeting.**

**Motion carried.**

Meeting adjourned: 7:45 p.m.

Date: 9/7/10

Secretary: Cathy G. Abramson

Others present: Tom Dorwin, Kristi Harwood, Bill Connolly, Vic Matson, Tara Benoit, Ken Ermatinger, Courtney Kachur, Tony Goetz, Bob Marchand, Eric Blubaugh, Carol Eavou, Bonnie Culfa, Jen Clerc, Lori Jump, Lisa Bumstead, Joanne Carr.