

**BOARD OF DIRECTORS REGULAR MEETING
523 ASHMUN STREET VIA ZOOM
SAULT STE. MARIE, MICHIGAN
MINUTES
February 22, 2022**

The meeting was opened at 5:00 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:

Moved by Director Massaway, supported by Director Hoffman, to approve the agenda as read.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Chase, to approve Res. 2022-56, Governmental Schedule FY 2022 Budget Modifications for Pay Increase.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2022 Budget Modifications to those programs that are unable to find savings within their current budget to cover the \$3.00 wage increase.

BE IT FURTHER RESOLVED, the increase in funds will be provided by increases in the following: Third Party Revenue monies \$722,312, Tribal Support monies \$141,706, Other Revenue – Grant Funds monies \$18,479, State of Michigan monies \$3,923, Other Revenue – Transfers \$3,923 and a decrease in Federal IHS monies \$30,340 for a total increase in Governmental FY 2022 Schedule A and B budgets of \$860,003.

Motion carried unanimously.

Moved by Director Chase, supported by Director Morrow, to approve Res. 2022-57, FY 2022 Enterprise Capital Outlays Budget Modification Sawyer Village – Gladstone Medical Facility.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the modification to the FY 2022 Enterprise Capital Outlay Budget to increase the expenses for Sawyer Village \$575,000.00 from fund balance.

Motion carried unanimously.

Moved by Director Gravelle, supported by Director Freiheit, to approve Res. 2022-58, Establishment of FY 2022 Budget Enterprise Sub Recipient – Emergency Housing.

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 Enterprise Emergency Housing Other Revenue monies of \$93,222.00. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Morrow, supported by Director Gravelle, to approve Res. 2022-59, FY 2022 Budget Modifications Elder Service Division – Title VI 20-23.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2022 budget modification to Elder Service Division – Title VI 20-23 for a decrease in Federal HHS monies of \$35,599.37 and increase Other Revenue monies of \$2,450.00. This budget modification reflects changes to the personnel sheet and a reallocation of expenses.

Motion carried unanimously.

Moved by Director Gravelle, supported by Director Massaway, to approve Res. 2022-60, Establishment of FY 2022 Budget ACFS Advocacy Resource Center – DTE Foundation.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of FY 2022 budget for DTE Foundation with Other Revenue monies of \$6,500.00. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Chase, supported by Director McKerchie, to approve Res. 2022-61, Establishment of FY 2022 Budget Natural Resources – USDA Natural Resources Conservation Services.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of FY 2022 budget for USDA NRCS program with Federal USDA monies of \$312,090.00. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Gravelle, supported by Director Morrow, to approve Res. 2022-62, Stonegarden Grant Establishment of FY 2022 Budget.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves establishment of a FY 2022 budget for Stonegarden grant with Federal Department of Homeland Security pass through from State of Michigan monies of \$62,841.88. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Freiheit, supported by Director Gravelle, to approve Res. 2022-63, Child Care Stabilization Grant 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 Child Care Stabilization Grant with State of Michigan monies of \$178,183.03. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Gravelle, supported by Director Massaway, to approve Res. 2022-64, Medical Equipment Covid Funds Establishment of FY 2022 Budget.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves establishment of a FY 2022 budget for Medical Equipment Covid Funds with Federal IHS monies of \$315,699.73. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Gravelle, supported by Director Causley, to approve Res. 2022-65, Covid Funds Maintenance and Improvements Establishment of FY 2022 Budget.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves establishment of a FY 2022 budget for Covid Funds Maintenance and Improvements with Federal IHS monies of \$86,305.15. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Causley, supported by Director Massaway, to approve Res. 2022-66, Purchased Referred Care Covid 19 FY 2022 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2022 budget modification to Purchased Referred Care COVID 19, to increase Federal IHS Covid monies of \$164,507.79. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Gravelle, to approve Res. 2022-67, Emergency Preparedness and Third Party Revenue 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 2022 budget modification to the Emergency Preparedness to increase expenses, increase State of Michigan monies \$13,831.00, and decrease Third Party Revenue monies \$4,118.58. No effect on Tribal Support.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of the Chippewa Indians hereby approves the FY 2022 budget modification to Third Party Revenue decreasing the transfer out \$4,118.58. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Morrow, to table the resolution regarding the Health Center Maintenance.

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

Moved by Director Morrow, supported by Director Matson, to approve Res. 2022-68, Health Center Sault Administration and Third Party Revenue 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 2022 budget modification to the Health Center Sault Administration to change the personnel sheet, increase expenses, and increase Third Party revenue \$98,232.87. No effect on Tribal Support.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of the Chippewa Indians hereby approves the FY 2022 budget modification to Third Party Revenue increasing the transfer out \$98,232.87. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Gravelle, to approve Res. 2022-69, Extending the Covid-19 Executive Task Force's Authority under Covid-19 Federal Relief Funds and Authorizing the Tribe's Executive Task Force to Develop Fiscal Recovery Fund Expenditure Review Protocols.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby extends the ETF's powers and authority previously provided under Tribal law for CARES Act funding, excluding budget approvals, to all future projects that are to be funded with the Tribe' COVID-19 federal relief funds.

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes the ETF to develop and implement COVID-19 federal relief fiscal recovery fund procedures and protocols as necessary to establish an internal Tribal workflow process for the ETF to administer the Tribe's COVID-19 federal relief funds to implement and carry forward COVID-19 federal relief funding expenditures approved by the Board of Directors.

BE IT FURTHER RESOLVED, that pursuant to Resolution No. 2020-117, the ETF's powers and authority are authorized to continue in the event the Tribally declared state of emergency is terminated.

BE IT FINALLY RESOLVED, that the Board of Directors retains its budget allocation authority over the Tribe's COVID-19 federal relief funds and reserves the right to amend the terms of this Resolution on an ongoing and as needed basis.

Motion carried unanimously.

Moved by Director Massaway, supported by Director Hoffman, to approve Res. 2022-70, Amending Letter of Credit with PNC Bank-Sault Tribe Self-Funded Unemployment Program Including a Limited Waiver of Sovereign Immunity and Tribal Court Jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes and approves an amendment to the Letter of Credit with PNC Bank to increase the amount of credit to \$2,250,988.11.

BE IT FURTHER RESOLVED, that the Board of Directors hereby waives the Tribe's sovereign immunity from suit in favor of PNC Bank only should an action be commenced under the PNC Bank contract referenced above, and this waiver:

- i. Shall terminate upon performance by the Tribe of all its obligations under the amended Letter of Credit, the Amendment to Reimbursement and Security Agreement, the Pledge Agreement, or the Notification and Control Agreement, or any subsequent extensions of the Letter of Credit, the Amendment to Reimbursement and Security Agreement, the Pledge Agreement, or the Notification and Control Agreement;
- ii. Is granted solely to PNC 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 Letter of Credit, the Amendment to Reimbursement and Security Agreement, the Pledge Agreement, or the Notification and Control Agreement;
- 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 arbitration or arbitration panel.

BE IT FURTHER RESOLVED, that the Board of Directors hereby waives the exclusive jurisdiction of the Tribal Court over any action arising under the Letter of Credit, the Amendment to Reimbursement and Security Agreement, the Pledge Agreement, or the Notification and Control Agreement.

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes further extensions of the Letter of Credit, without additional action of the Board of Directors, for a subsequent two year term.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Chairperson, Treasurer, and Chief Financial Officer of the Tribe, and each of their designees, to each act to execute the necessary documents to effectuate this transaction and subsequent extensions of the expiration date, as needed, including, but not limited to the Letter of Credit, the Amendment to Reimbursement and Security Agreement, the Pledge Agreement, and the Notification and Control Agreement.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Freiheit, to approve Res. 2022-71, Amending Resolution No. 2021-247 Covid American Rescue Act Funds Housing and Community Centers.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Tribe Board of Directors has identified Housing and Community Centers as essential to the Health and Welfare of its Membership and hereby amends its previously adopted budget of \$36 million dollars to \$48 million dollars from the American Recovery Act funds (currently received), of which: \$20 million is earmarked for Unit 1, \$8 Million is earmarked for Unit 2, \$8 million earmarked for Unit 3, \$ 8 million earmarked for Unit 4, and \$4 million for Unit 5 to address these future Board Actions.

BE IT FURTHER RESOLVED, that the terms of this Resolution hereby amend Resolution No. 2021-247.

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 and authorizes all internal Budget Modifications.

Motion carried unanimously.

Moved by Director Freiheit, supported by Director Hoffman, to approve Res. 2022-72, Amending Resolution No. 2021-295 ARPA Fund Appropriation – Unit 1 Elder Housing.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors authorizes the construction of the Unit 1 Elder Housing Unit to include all necessary and appropriate actions, includes budgeting allocations for external construction management services as authorized by the Chief Financial Officer, for completion of the project.

BE IT FURTHER RESOLVED, that the Sault Tribe Board of Directors authorizes the Tribe's Purchasing Department to create and execute the bidding process in collaboration with external construction management services, for the hiring of an external contractor(s) to construct the Unit 1 Elder Housing Unit based upon the Sault Tribe Housing Authority's Quad and Triplex building plans and designs.

BE IT FURTHER RESOLVED, that after completion of the construction of the Unit 1 Elder Housing Unit, the Board of Directors authorizes and directs the Sault Tribe Housing Director to oversee, manage, and operate the Unit 1 Elder Housing Unit, including all associated buildings and inventory.

BE IT FURTHER RESOLVED, that the terms of this Resolution hereby amends Resolution No. 2021-295.

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 and authorizes all internal administrative budget modifications from the authorized budgeted funding.

Motion carried unanimously.

Moved by Director Morrow, supported by Director Gravelle, to accept and approve the recommendations of the Special Needs/Enrollment Committee and relinquish Julie Southwind from the Tribe.

Motion carried unanimously.

Moved by Director Chase, supported by Director Morrow, to reappoint Mary Miller Jenerou to the Special Needs/Enrollment Committee, for a two year term, expiring February 2024.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Causley, to accept the resignation of Katelynn Griffin from the Election Committee and declare the seat vacant.

Motion carried unanimously.

Moved by Director Causley, supported by Director Hollowell, to reappoint Billy Perry, Paul Barbeaux, Richard Boda, and Robert Derusha to the Conservation Committee, for four year terms, expiring February 2026.

Motion carried unanimously.

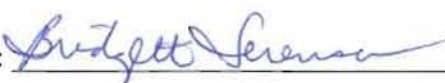
Moved by Director Sorenson, supported by Director McKerchie, to hire the committee recommendation for the Education Director.

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

Moved by Director Hoffman, supported by Director Freiheit, to hire the committee recommendation for the Prosecutor Position.

Roll Call Vote: Motion carried unanimously.

Meeting adjourned: 5:48 p.m.

Date: 4-5-2022 Secretary: 

Others present: Christine McPherson, Robert Schulte, Jeremy Patterson, Leo Chugunov, Joel Lumsden, Holly Kibble, Brenda Jeffreys, Jami Moran, Brad Silet, Shondra Gervais, Susan Soltys, Katelynn Griffin, Joanne Carr.