

**BOARD OF DIRECTORS REGULAR MEETING  
HESSEL TRIBAL COMMUNITY CENTER  
HESSEL, MICHIGAN  
MINUTES  
AUGUST 15, 2023**

This meeting was opened at 5:00 p.m. by Chairman Austin Lowes.

Present: Bridgett Sorenson, Darcy Morrow, Tyler LaPlaunt, Isaac McKechnie, Shawn Borowicz, Michael McKerchie (Z), Kimberly Lee, Kimberly Hampton, Robert McRorie, Lana Causley-Smith, Betty Freiheit, Austin Lowes

Absent: None

**Moved by Director Freiheit, supported by Director Causley-Smith, to approve the agenda as read.**

**Motion carries unanimously.**

**Without objection, will add or remove the following items to/from the agenda:**

- 1. Added Approve Proposal for Professional Services for MIS Assessment Project #23-079 under Resolutions.**
- 2. Added Recruitment and Retention of Maintenance Repairer Lead Positions under Resolutions.**
- 3. Added Motion to Hire Lead Biologist up to Christine's Recommended Negotiated Amount under New Business.**

**No objections.**

**Moved by Director McKechnie, supported by Director LaPlaunt, to approve the minutes from 3/7/23, 3/14/23, 7/11/23, 7/18/23, and 8/1/23.**

**Motion carries unanimously with clerical errors being corrected in 7/11/23 and 7/18/23; Director Morrow abstaining from 8/1/23 minutes.**

**Moved by Director Morrow, supported by Director McKechnie, to approve Resolution 2023-262, Continuing Funding Authority – Health Division for FY 2024 Schedule B Budgets October through September.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves continuing funding for the attached cost center list for fiscal year 2023, at their 2023 spending levels, for a period not to exceed November 15, 2023.

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

**Moved by Director McKechnie, supported by Director Freiheit, to approve Resolution 2023-263, Buildings – Sibley Road Establishment of FY 2023 and FY 2024 Budgets.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2023 budget for Sibley Road with Other Revenue monies of \$89,975.00.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2024 budget for Sibley Road with Other Revenue monies of \$161,600.00.

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

**Moved by Director Sorenson, supported by Director Causley-Smith, to approve Resolution 2023-264, Sault Tribe Thrive Establishment of FY 2024 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 2024 budget for Sault Tribe Thrive with Federal Department of Commerce monies of \$180,000.00, contingent on receiving the new grant award prior to August 31, 2023. No effect on Tribal Support.

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

**Moved by Director Causley-Smith, supported by Director Sorenson, to approve Resolution 2023-265, Governmental – Referendums Establishment of FY 2023 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 2023 budget for Referendums with Tribal Support monies of \$86,289.23.

**Roll Call Vote: Motion carries with Directors' Sorenson, LaPlaunt, McKerchie, Causley-Smith, McKechnie, Borowicz, Morrow, Lee, Hampton approving; Directors' McRorie, Freiheit opposing.**

**Moved by Director McKechnie, supported by Director Sorenson, to approve Resolution 2023-266, Eagle Lending Gitchi Enterprises Relocatoin/Expansion.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes Eagle Lending to loan the sum of Five Hundred Thousand Dollars (\$500,000) to Gitchi Enterprises, at a rate of 4% for 20 years for the purpose of relocating Gitchi Operations to 3 Mile Road, including infrastructure, parking lot and set up of an Office/Manufactured Home; and

BE IT FURTHER RESOLVED, that the Board of Directors authorizes the Executive Director of Enterprise Operations and the Sault Tribe's Chief Financial Officer to execute the loan documents using the above approved terms; and

BE IT FURTHER RESOLVED, that this resolution rescinds resolution No. 2022-246.

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

**Moved by Director McKechnie, supported by Director McRorie, to approve Resolution 2023-267, Land Purchase for Cultural and Traditional Use.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors authorizes the Executive Director of Enterprise Operations or his designee to negotiate the purchase of the properties as identified in Exhibit A by utilizing unobligated ARPA funding; and

BE IT FURTHER RESOLVED, upon successful negotiations and purchase, that the Board of Directors authorizes the land be used for future sustainability for cultural and traditional purposes, including, but not limited to: Gathering of traditional medicines, hunting, foraging, fishing, fasting, food sovereignty, food security and any other cultural or traditional activity that will sustain the environment and/or community in which historically inhabited these lands; and

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairman, 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.

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

**Moved by Director Freiheit, supported by Director LaPlaunt, to approve Resolution 2023-268, Recruitment and Retention of Shelter Worker Positions.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes and approves that all Shelter Worker positions, as identified and determined by the Tribe's Social Services Director, shall be budgeted at the middle of the applicable minimum to maximum compensation range for that position(s); and

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes and approves the Tribe's Social Services Director to execute any and all documents as may be necessary to ensure that existing Shelter Worker positions are budgeted at the mid-range to ensure internal equity for the position within the terms, conditions and intent of this Resolution; and

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes and approves the Tribe's Social Services Director to execute any administrative modifications for signing and relocations within available funding Shelter Worker Related funding sources; and

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the use of any and all applicable funds, including ARPA, to facilitate the recruitment and retention of positions.

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

**Moved by Director Freiheit, supported by Director Borowicz, to approve Resolution 2023-269, Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction Service Contract for Momentive Inc.**

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 wishes to enter into a Professional Services Agreement ("Agreement") with Momentive Inc., ("Service Provider") as negotiated by the Tribal Health Center for providing online surveys; and

1.3 Service Provider will not consent to such agreement without a waiver of sovereign immunity or Tribal Court jurisdiction; and

1.4 In order to induce Service Provider to enter into an Agreement, the Tribe is required to confirm that the Tribe and all other entities claiming by, through or under the Tribe will not claim sovereign immunity or exclusive Tribal Court jurisdiction with respect to any disputes or causes of action between the Tribe and Service Provider that might arise from, or relate to, in any respect, the Agreement, or object to the venue clauses found in the Agreement. All the foregoing are referred to herein as the "Waiver and Consent Obligations"; and

1.5 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 Service Provider only should an action be commenced under the Agreement referenced above.

This waiver:

- i) Shall terminate upon performance by the Tribe of all of its obligations under the Agreement; and
- ii) Is granted solely to Service Provider; and
- 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 Service Provider 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 Agreement; and
- iv) Shall be enforceable only in a court of competent jurisdiction, including courts in the State of California, the Tribal Court and federal courts in California (including the United States Bankruptcy Court or any arbitrator or arbitration pane); and
- v) Shall be enforceable against the assets of the Tribe to the extent necessary to satisfy the Tribe's obligation in the Agreement; and
- vi) The Agreement, and other associated finance documents shall be construed in accordance with and governed by all applicable laws and regulations of governmental bodies with competent jurisdiction, as set forth in such documents.

### Section 3. WAIVER OF TRIBAL COURT JURISDICTION

3.1 The Board of Directors waiver the exclusive jurisdiction of the Tribal Court over any action arising under the Agreement. The Board authorized the Tribe to consent to the jurisdiction of any courts with competent jurisdiction, 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 Agreement.

### Section 4. EFFECTIVE DATE

4.1 This waiver shall become effective upon the final execution of the Agreement executed by the Health Director pursuant to his signing authority. Failure or refusal of any individual to execute the Agreement shall render the waivers and consents granted in this resolution to become void immediately. Failure or refusal to execute the Agreement prior to the close of business on December 1, 2023, shall ender the waivers and consents granted in this resolution to become void immediately.

**Roll Call Vote: Motion carries with Directors' Sorenson, LaPlaunt, McKechnie, Borowicz, McKerchie, Lee, Hampton, Causley-Smith, Freiheit approving; Directors' Morrow, McRorie opposing.**

**Moved by Director Freiheit, supported by Director McKechnie, to approve Resolution 2023-270, Authorizing Land Acquisition Policy.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Tribe hereby adopts the attached Land Acquisition Policy; and

BE IT FURTHER RESOLVED, that this resolution rescinds Resolution 2017-234.

**Motions carries unanimously.**

**Moved by Director Freiheit, supported by Director Hampton, to approve Resolution 2023-271, Amending Chapter 34: Personal Protection Orders and Injunctions.**



NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby amends Tribal Code Chapter 34: Personal Protection Orders and Injunctions as follows:

34.106 What the Court May Order.

(1) If the Court finds that the petitioner has proven by a **reasonable cause** that the victim has been subjected to prohibited conduct, it may order that the respondent is prohibited from, including, but not limited to the following:

- (a) Entering onto the victim's residence and/or place of employment.
- (b) Assaulting, attacking, beating, molesting, or wounding a named individual.
- (c) Engaging or attempting to engage in domestic abuse against a named individual.
- (d) Following a named individual.
- (e) Contacting a named individual by any means, including by writing, telephone, other electronic means or by a third person.
- (f) Sending objects to a named individual.
- (g) Threatening to kill or physically injure a named individual.
- (h) Removing minor children from the victim who has legal custody, except as allowed by a custody or parenting-time order.
- (i) Purchasing or possessing a firearm or ammunition.
- (j) Interfering with victim's efforts to remove the victim's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.
- (k) Keeping, failing to surrender or concealing from victim the keys or other instruments necessary to maintain the security of the victim's home.
- (l) Interfering with victim at victim's place of employment or education or engaging in conduct that impairs victim's relationships at victim's employment or education site.
- (m) Keeping, failing to surrender or concealing the vital records or financial instruments of the victim or the petitioner's children.
- (n) Having access to information in records concerning a minor child of both victim and respondent that will inform respondent about the address or telephone number of the victim and the victim's minor child, or about victim's employment address.
- (o) Engaging in stalking conduct.
- (p) Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of domestic abuse, harassment, stalking, or sexually inappropriate behavior.
- (q) Posting information and/or images on social media or other forms of communication with the intent to harass, annoy, intimidate, or embarrass the victim, whether or not the victim has access to the information posted.
- (r) Approaching or appearing within 1500 feet of the victim.
- (s) Taking, transferring, encumbering, concealing, committing an act of cruelty or neglect upon, or otherwise disposing of any animal that is owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the victim or respondent.

**Roll Call Vote: Motion carries with Directors' LaPlaunt, McKechnie, McKerchie, Causley-Smith, Freiheit, Borowicz, Hampton, Sorenson, Lee, McRorie approving; Director Morrow abstaining.**

Moved by Director Freiheit, supported by Director Borowicz, to approve a Resolution, Health Division WIFI Assessment.

Moved by Director Causley-Smith, supported by Director LaPlaunt, to Table.

Roll Call Vote: Motion carries with Directors' McRorie, LaPlaunt, McKerchie, Causley-Smith, McKechnie, Borowicz, Freiheit, Lee, Hampton approving; Directors' Sorenson, Morrow opposing.

Moved by Director Freiheit, supported by Director McRorie, to approve a Resolution, Investigation of Election Committee's Conduct of the 2022 General Election and Special Advisory Election.

Moved by Director Causley-Smith, supported by Director Sorenson, to overturn the Chairman's decision to allow Director Freiheit to continue talking and not vote on the motion to table.

Roll Call Vote: Motion fails with Directors' Morrow, McKerchie, Causley-Smith, Sorenson, Lee supporting; Directors' LaPlaunt, McKechnie, Freiheit, Borowicz, Hampton, McRorie opposing.

Moved by Director Lee, supported by Director McKechnie, to Table.

Roll Call Vote: Motion carries with Directors' Causley-Smith, McKerchie, Lee, Morrow, LaPlaunt, Sorenson, McKechnie, Borowicz, Hampton approving; Directors' Freiheit, McRorie opposing.

Moved by Director McRorie, supported by Director Freiheit, to approve a Resolution, Amending Resolution 2023-261 Tribal Roll Opening.

Roll Call Vote: Motion fails with Director McRorie supporting; Directors' Sorenson, Morrow, LaPlaunt, McKechnie, Borowicz, McKerchie, Lee, Hampton, Causley-Smith, Freiheit opposing.

Moved by Director Freiheit, supported by Director Hampton, to approve a Resolution, Revising Tribal Code Chapter 11: Membership Ordinance to Align with the Language of the Tribe's Constitution.

Roll Call Vote: Motion fails with Director McRorie supporting; Directors' Sorenson, LaPlaunt, McKerchie, Causley-Smith, McKechnie, Borowicz, Freiheit, Morrow, Lee, Hampton opposing.

Moved by Director McRorie, supported by Director LaPlaunt, to approve Resolution 2023-272, Approve Proposal for Professional Services for MIS Assessment Project #23-079.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the bid proposal of TribalFocus, LLC to perform an assessment of the current Sault Tribe Management Information Systems' (MIS) organizational structure, technology systems and effectiveness of service delivery.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Tribal Chairman, or his designee, to negotiate a contract between the Sault Ste. Marie Tribe of Chippewa Indians and TribalFocus LLC, with review of the Legal Department, to carry out the intent of this resolution.

Roll Call Vote: Motion carries unanimously.



**Moved by Director Freiheit, supported by Director LaPlaunt, to approve Resolution 2023-273, Recruitment and Retention of Maintenance Repairer Lead Positions.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes and approves that all Maintenance Repairer Lead positions, as identified and determined by the Housing Authority Director, shall be budgeted at the maximum of the applicable minimum to maximum compensation range for that position(s).

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes and concurs with the Housing Commission's approval to authorize the Tribe's Housing Authority Director to execute any and all documents as may be necessary to ensure that existing Maintenance Repairer Lead positions are budgeted at the max-range to ensure internal equity for the position within the terms, conditions and intent of this Resolution.

**Roll Call Vote: Motion carries with Directors' Sorenson, LaPlaunt, McKechnie, Borowicz, McKerchie, Lee, Hampton, McRorie, Causley-Smith, Freiheit approving; Director Morrow opposing.**

**Moved by Director Sorenson, supported by Director Causley-Smith, to appoint Annette Thibert to the Sault Tribe Housing Commission, for a 4-year term expiring August 2027.**

**Motion carries unanimously.**

**Moved by Director LaPlaunt, supported by Director McRorie, to hire the lead biologist up to Christine's recommended negotiation.**

**Roll Call Vote: Motion carries with Directors' LaPlaunt, McKechnie, McKerchie, Causley-Smith, Freiheit, Borowicz, Hampton, Sorenson, Lee, McRorie supporting; Director Morrow opposing.**

Adjourned at 6:56 p.m.

Date: 9/7/23

Secretary   
Kimberly Hampton

Others Present: Aaron Schlehber, Christine McPherson, Jessica Dumback, Robert Schulte, Elaine Clement, Lona Stewart, Josh Elliot, Clarence Hudak, Ryan Mills, Juanita Bye, Jami Moran, Veronica Beaumont, Joni Talentino, Joel Lumsden, Dan Doyle, Jennifer Clerc (Z)