

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINOS CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
November 5, 2024**

This meeting was opened at 5:01 p.m. by Chairman Austin Lowes.

Present: Shawn Borowicz (Z – signed in at 5:07 p.m.), Tyler LaPlaunt, Bridgett Sorenson (Z), Isaac McKechnie, Michael McKerchie, Kimberly Hampton (Z), Rob McRorie, Aaron Payment, Kimberly Lee, Larry Barbeau (Z), Lana Causley-Smith (Z), Kimberle Gravelle, Austin Lowes
Absent: None

Moved by Director McKechnie, supported by Director LaPlaunt, to approve the agenda as read.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director McRorie, to approve the meeting minutes from Regular Meeting October 22, 2024.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Gravelle, to approve Resolution 2024-322, Natural Resources Division – GLRI Coastal Marsh Restoration Establishment of FY 2025 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 2025 budget for GLRI Coastal Marsh Restoration with Federal BIA Revenue monies of \$85,000.00. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Gravelle, to approve Resolution 2024-323, Natural Resources Division – GLRI Wolf Establishment of FY 2025 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 2025 budget for GLRI Wolf with Federal BIA Revenue monies of \$350,922.90. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Gravelle, to approve Resolution 2024-324, Natural Resources Division – GLRI Lake Whitefish Rearing Establishment of FY 2025 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 2025 budget for GLRI Lake Whitefish Rearing with Federal BIA Revenue monies of \$8,123.25. No effect on Tribal Support.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Gravelle, to approve Resolution 2024-325, Natural Resources Division – GLRI Lake Whitefish Experimental Rearing Establishment of FY 2025 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 2025 budget for GLRI Lake Whitefish Experimental Rearing with Federal BIA Revenue monies of \$14,664.35. No effect on Tribal Support.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Gravelle, to approve Resolution 2024-326, Natural Resources Division – Aquatic Invasive Species Establishment of FY 2025 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 2025 budget for Aquatic Invasive Species with Federal US Fish and Wildlife Revenue monies of \$98,737.95. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director McRorie, to approve Resolution 2024-327, Natural Resources Division – Administrative FY 2024 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification to Natural Resource Division Administration budget for a decrease in Tribal Support of \$23,043.01.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Gravelle, to approve Resolution 2024-328, Enterprises – State Small Business Credit Initiative 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 State Small Business Credit Initiative.

Roll Call Vote: Motion carries unanimously.

Moved by Director LaPlaunt, supported by Director McRorie, to approve Resolution 2024-329, Transportation Department Expanding Regional EVSE Access with Tribal Nations Project.

NOW, THEREFORE, BE IT RESOLVED, the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby approves a public-private partnership with Electric Nation 2.0 project partners to explore the potential for EV charging infrastructure to support Tribal priorities, support engagement and outreach as desired by Tribal government participants, and site and install a Level 2 EV Charger if a site is identified, appropriate, desirable, and aligned with Tribal goals.

BE IT FINALLY RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorize the Tribal Chairman or his designee, to negotiate, execute, and amend any documents resulting therefrom on the Tribe's behalf on a public-private partnership agreement between the Sault Ste. Marie Tribe of Chippewa Indians and Electric Nation 2.0.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2024-330, Benefit Package for Key Employees, Executives and Attorney Positions within the Tribal Organization.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the attached benefit and eligibility sheet for stated positions.

BE IT FURTHER RESOLVED, that the Executive Director is authorized to update this sheet to remain competitive with recruitment and retention as necessary.

BE IT FURTHER RESOLVED, that the Tribe's Governmental Budgets, benefits and payroll should be administratively amended to reflect said changes.

Roll Call Vote: Motion carries with Directors' Hampton, Gravelle, Payment, McKechnie, Lee, Sorenson, Borowicz, LaPlaunt, Barbeau approving; Director's McKernie, McRorie, Causley-Smith opposing.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2024-331, Approving Interagency Agreement with Sault Tribe Housing Authority for Utility Authority ARPA Funding.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby approves an Interagency Agreement with Sault Tribe Housing Authority for \$1,759,215.57 utilizing the ARPA funding from Resolution 2024-179.

BE IT FURTHER RESOLVED, the Board of Directors hereby authorizes the Chairman or his designee to execute any and all documents for the Interagency Agreement.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Sorenson, to approve Resolution 2024-332, U.S. Department of Housing and Urban Development (HUD) FY 2024 Continuum of Care (COC) Builds Grant Application.

NOW, THEREFORE, BE IT RESOLVED, the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby authorizes and directs the Sault Tribe Housing Authority Director or its duly authorized representative, to develop and submit an on-line application requesting up to \$9,500,000 for the FY 2024 Continuum of Care (COC) Builds (FR-6800-N-25A.)

BE IT FURTHER RESOLVED, that the Sault Tribe of Chippewa Indians Board of Directors hereby authorizes and approves the Tribal Chairman or their designee, to accept the FY 2024 Continuum of Care (COC) Builds grant if it is awarded and execute such documents and agreements as may be necessary to further this purpose.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Payment, to approve Resolution 2024-333, Amending By-laws of the Sault Ste. Marie Tribe of Chippewa Indians Housing Authority Commission.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby approves the amendment to the By-Laws as presented.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2024-334, Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction AmRent.

Without objection, the reading of this Resolution was waived.

No objection.

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 Master Agreement ("Agreement") with AmRent ("AmRent") as negotiated by EDC for DeMawating Development and Sawyer Village; and

1.3 AmRent will not consent to such Agreement without a waiver of sovereign immunity or Tribal Court jurisdiction; and

1.4 In order to induce AmRent 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 AmRent 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 AmRent only should an action be commenced under the Agreement referenced above.

This waiver:

Shall terminate upon performance by the Tribe of all of its obligations under the Agreement; and Is granted solely to AmRent; and

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 AmRent 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

Shall be enforceable only in a court of competent jurisdiction, for the sole purpose of a of enforcement of the terms of the Agreement and does not extend to nor allow any award of punitive, exemplary, or other damages; and

Shall be enforceable against the assets of the Tribe to the extent necessary to satisfy the Tribe's obligation in the Agreement; and

The Agreement, and other associated 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 waives the exclusive jurisdiction of the Tribal Court over any action arising under the Agreement. The Board authorized the Tribe to consent to the jurisdiction in the state and federal courts of Ohio, 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 Chairman or his designee. 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 April 1, 2025, shall render the waivers and consents granted in this resolution to become void immediately.

Section 5. AUTHORIZATION

5.1 The Chairman or his designee is authorized to execute any and all documents to effectuate the forgoing.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Causley-Smith, to approve Patsy Johnston's appointment to the Unit 2 Elder Committee – Newberry for a term expiring May 2027.

Moved by Director McKechnie, supported by Director Hampton, to approve Tess Brazeau's resignation from the Unit 4 Escanaba and Elder Advisory Committees.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director McRorie, to approve Jessica Dumback's appointment to the Special Needs/Enrollment Committee for a term expiring November 2026.

Motion carries with Director Causley-Smith abstaining.

Moved by Director McKechnie, supported by Director Gravelle, to approve David Lockhart's appointment to the Food Sovereignty Committee for a term expiring February 2025.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Latisha Willette's appointment to the Election Commission for a term expiring January 2026.

Motion carries with Director Sorenson opposing; Director Causley-Smith abstaining.

Without objection, meeting adjourned.

No objection.

Adjourned at 5:49 p.m.

Date: 11/19/2024

Secretary: 
Kimberly Hampton

Others Present: Robert Schulte, Jessica Dumback, Christine McPherson, Ashlee Mielke, Lona Stewart, Aaron Schlehuber, Joseph Street, Michelle Moore, Gerard Sagassige, Josh Elliot, Dan Doyle, Joni Talentino, James Benko, Latisha Willette, Jack Tuomikoski, Robin Clark, Wendy Hoffman