

MEMORANDUM

TO: Board of Directors
FROM: Joanne Carr, Board Secretary
DATE: October 10, 2019
RE: Workshop Agenda for October 15, 2019

AGENDA

10:00 a.m. – Negotiations

10:30 a.m. – Gaming Commission

11:30 a.m. – Gaming Authority Meeting

Lunch

1:15 p.m. – EDC

2:00 p.m. – Health (340b)

2:30 p.m. – Review of Agenda

4:00 p.m. – Matters Raised by the Membership

5:00 p.m. – Regular Meeting of the Board of Directors

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

October 15, 2019

5:00 P.M.

- I. CALL TO ORDER
- II. INVOCATION: Prayer, Smudging, Presentation of Grandfathers
- III. ROLL CALL
- IV. PRESENTATION:
- V. MINUTES: 09-17-2019
09-25-2019
- VI. RESOLUTIONS: Partial Waiver (2)
Environmental - GLRI Invasive Species
2018 COPS TRGP
FY 2019 Promotion of Anishinaabemowin Grant
Lease- Marquette Tribal Community Health Center
Trust Land Lease – Bosley
Industrial Manufacturing Complex Project
Meritain Health/Delta Dental
Approving Flexible Benefits Spending/Summary Plan
Am. Ch. 71: Criminal Offenses – Electronic Cigarettes
Opposing Ferrochrome Processing Facility
Opposition to Enbridge and Graymont
Morisset Law Firm
Bruce Greene Law
Designate Tribal Chairperson as Lead 2020 Negotiations
Auth. Coordination of Fishing Meeting
Salaried Positions
- VII. NEW BUSINESS: Relinquishments
Committee Request
EDC
Board Concerns
- VIII. ADJOURN TO EXECUTIVE SESSION:
- IX. RECONVENE AND REAFFIRM
- X. ADJOURN

BOARD OF DIRECTORS REGULAR MEETING

October 15, 2019

Sponsor's List

RESOLUTIONS:

Partial Waiver (2) – Jennifer Sheldon
Environmental - GLRI Invasive Species –Kathie Brosemer
2018 COPS TRGP – Bob Marchand
FY 2019 Promotion of Anishinaabemowin Grant – Colleen Medicine
Lease- Marquette Tribal Community Health Center – Marlene Glaesmann
Trust Land Lease – Bosley – Joel Schultz
Industrial Manufacturing Complex Project – Joel Schultz
Meritain Health/Delta Dental – Doug Goudreau
Approving Flexible Benefits Spending/Summary Plan – Doug Goudreau
Am. Ch. 71: Criminal Offenses – Electronic Cigarettes – Director Hoffman
Opposing Ferrochrome Processing Facility – Director Hoffman, Chase, Morrow, Gravelle, McKerchie.
Opposition to Enbridge and Graymont – Director Hoffman
Morisset Law Firm – Chairperson Payment
Bruce Greene Law – Chairperson Payment
Designate Tribal Chairperson as Lead 2020 Negotiations – Chairperson Payment
Auth. Coordination of Fishing Meeting – Chairperson Payment
Salaried Positions – Chairperson Payment

NEW BUSINESS:

Relinquishments – Special Needs Enrollment
Committee Request – Special Needs Enrollment
EDC –Various Board Members
Board Concerns – Director Causley

RESOLUTION NO: _____

**PARTIAL WAIVER OF CONVICTIONS FOR
MS. MICHELE PRICE**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq; and

WHEREAS, the Board of Directors has enacted Tribal Code Chapter 76: Partial Waiver of Conviction for Gaming License Purpose that allows for a partial waiver of conviction be issued to tribal members who have been convicted of a crime and would be denied a license for employment in a gaming operation pursuant to Chapter 42; and

WHEREAS, Ms. Michele Price, a tribal member who was convicted of:

1. Misdemeanor – Larceny - \$200 or more but less than \$1,000

WHEREAS, Ms. Michele Price, would be denied a license for employment as a key employee or primary management official because of the criminal conviction; and

WHEREAS, the Board of Directors has determined that Ms. Michele Price is not likely to engage in any offensive or criminal course of conduct and the public good does not require that he be denied a license as a key employee or primary management official.

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

1. Misdemeanor – Larceny - \$200 or more but less than \$1,000

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**PARTIAL WAIVER OF CONVICTIONS FOR
MS. CHERYL HARMON**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq; and

WHEREAS, the Board of Directors has enacted Tribal Code Chapter 76: Partial Waiver of Conviction for Gaming License Purpose that allows for a partial waiver of conviction be issued to tribal members who have been convicted of a crime and would be denied a license for employment in a gaming operation pursuant to Chapter 42; and

WHEREAS, Ms. Cheryl Harmon, a tribal member who was convicted of:

1. Felony - Ephedrine/Pseudoephedrine, Purchase/Possess to Make Meth 8/24/18
2. Misdemeanor - Controlled Substances – Maintaining a Drug House 8/24/18

WHEREAS, Ms. Cheryl Harmon, would be denied a license for employment as a key employee or primary management official because of the criminal conviction; and

WHEREAS, the Board of Directors has determined that Ms. Cheryl Harmon is not likely to engage in any offensive or criminal course of conduct and the public good does not require that he be denied a license as a key employee or primary management official.

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

1. Felony - Ephedrine/Pseudoephedrine, Purchase/Possess to Make Meth 8/24/18
2. Misdemeanor - Controlled Substances – Maintaining a Drug House 8/24/18

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**ENVIRONMENTAL – GLRI INVASIVE SPECIES
FY 2020 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2020 budget modification to GLRI Invasive Species for a decrease in Federal EPA Revenue monies of \$7,138.28. This modification will change the personnel sheet and expenses. No effect on Tribal Support.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**2018 COPS TRGP
2020 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2020 budget modification to 2018 COPS TRGP to increase Federal DOJ monies \$125,891.00. No effect on Tribal Support.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**FY 2019 PROMOTION OF ANISHINAABEMOWIN GRANT
MICHIGAN STATE UNIVERSITY**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe eligible to apply for the Big Ten Less Commonly Taught Languages (LCTL) Partnership Promotion of Anishinaabemowin at MSU FY19; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians acknowledges our inherent responsibility to protect and preserve our Anishinaabemowin language and supports the Language & Culture Department and its efforts; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians desires to retain our Anishinaabemowin language in perpetuity; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians Language & Culture Department would like to submit a proposal to the Big Ten Less Commonly Taught Languages (LCTL) Partnership Promotion of Anishinaabemowin at MSU.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the application for funding of the Big Ten Less Commonly Taught Languages (LCTL) Partnership Promotion of Anishinaabemowin at MSU.

BE IT FURTHER RESOLVED, that Aaron Payment, Tribal Chairperson, or his duly assigned representative is authorized to execute or amend all documents relating to the grant application and award.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**APPROVING LEASE
FOR THE MARQUETTE TRIBAL COMMUNITY HEALTH CENTER**

WHEREAS the Sault Ste. Marie Tribe of Chippewa Indians has committed to support and run the Marquette Tribal Community Health Center in Marquette, Michigan; and

WHEREAS, between the Tribe, as Lessee and Midtown Office Center, will permit the Tribe to obtain the usage of 600 square feet of Midtown Office Center's office building located at 1229 W. Washington Street, Marquette Michigan; and

WHEREAS, it is the intent of the Tribe that the following services be offered in the Marquette property:

- * Community Health Program Services.
- * Health education services.
- * Confidential meeting space for Tribal Liaison with Tribal members.
- * Confidential meeting space for ACFs, Behavioral Health and Nutrition program services with Tribal members.
- * Confidential meeting space for Veterans Service Representative.

WHEREAS, the yearly rent on the property is \$11,040.00 for the one year; and the annual CPI-U increase will be waived to the end of the term with this agreement; and

WHEREAS, this cost has been budgeted and approved in budget Marquette Tribal Community Health Center Cost Center: 4388.

NOW, THEREFORE, BE IT RESOLVED, that the Chairperson of the Tribe is authorized and directed to execute the lease for the property located at 1229 W. Washington Street, Marquette, Michigan, and the lease shall, by its terms, expire on October 31, 2020, for the Marquette Tribal Community Health Center.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**TRUST LAND LEASE –LOTS 875 AND 876
BOSLEY
KINROSS, MICHIGAN**

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized its Tribal Chairperson and Treasurer, to execute a lease to the land located at Kinross, Michigan, to Christopher Bosley, a single man, land being described as follows:

Township of Kinross, County of Chippewa, State of Michigan
Sec. 29, T 45 N, R 1 W (.033 acres),
Lots 875 and 876, Cedar Grove Estates III

RESOLVED, the lease is in furtherance of a Housing program operated in the promotion of the public purposes and the negotiated rental amount has been determined to be in the best interest of the Tribe and its people, and valuation in accordance with 25 CFR 162.320 is hereby waived.

BE IT FURTHER RESOLVED, Resolution 2019-41 is hereby rescinded.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**SAULT TRIBE EDC
AWARD CONTRACT
FOR
INDUSTRIAL MANUFACTURING COMPLEX PROJECT**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 461 et seq; and

WHEREAS, the Sault Tribe EDC requests authorization to award Seven Generations, the contract, for the Industrial Manufacturing Complex Project; and

WHEREAS, the Sault Tribe EDC has funds available for the above project; and

WHEREAS, bids were solicited for this work and it has been determined that Seven Generations, is the best bidder.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorize Aaron Payment, Tribal Chairperson or his designee, to negotiate, execute and amend any documents resulting therefrom on the Tribe's behalf, on a contract between the Sault Ste. Marie Tribe of Chippewa Indians and Seven Generations for the Design and Engineering for the Industrial Manufacturing Complex Project, and authorizes expenditures from the EDA and MEDC grant funds.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**CONTRACT APPROVAL MERITAIN HEALTH (AN AETNA COMPANY)
AND DELTA DENTAL**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians currently provides a health, vision, dental, and pharmacy insurance to its employees, which insurance is administered by Meritain; and

WHEREAS, the Board of Directors has determined that it is in the Tribe's best interests to maintain the current employee health plan being administered by Meritain Health to continue being administered by Meritain Health for the health benefit and Delta Dental for dental.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Tribal Chairperson, Aaron Payment, or his designee, to execute contracts with Meritain Health and Delta Dental, with an effective date of January 1, 2020, for a period of two years, and to further take such actions as may be required to extend the current contracts.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**APPROVING FLEXIBLE BENEFITS SPENDING PLAN DOCUMENT AND
SUMMARY PLAN DESCRIPTION**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the Flexible Benefits Spending Plan Document and Summary Plan Description as set forth by the Sault Tribe Insurance Department, for the administration of the Tribe's Flexible Benefits Plan effective January 1, 2020.

BE IT FURTHER RESOLVED, that this Board of Directors approves the distribution and communication plans as set forth by the Insurance Department.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**AMENDING TRIBAL CODE CHAPTER 71: CRIMINAL OFFENSES
LIMITING ELECTRONIC CIGARETTE**

WHEREAS, tobacco products, including electronic cigarettes, causes numerous diseases and contain highly addictive nicotine; and

WHEREAS, adolescents are particularly vulnerable to the adverse effects of nicotine; and

WHEREAS, adolescents use of electronic cigarettes has risen according to the Center for Disease Control and Prevention and the Food and Drug Administration; and

WHEREAS, electronic cigarettes are being marketed in ways that appeal to adolescents; and

WHEREAS, the danger of electronic cigarettes to adults is not yet fully understood; and

WHEREAS, the Board of Directors desires to limit the use and availability of electronic cigarettes on tribal lands for both adults and adolescents due to health concerns.

NOW, THEREFORE, BE IT RESOLVED, that Tribal Code Chapter 71: Criminal Offenses is amended as attached to prohibit use and possession of electronic cigarettes by adolescents, prohibit the sale of electronic cigarettes to any individual and to prohibit the use in certain locations.

BE IT FURTHER RESOLVED, that the Tribal Administration is hereby directed to stop all sales of electronic cigarettes and related products.

BE IT FURTHER RESOLVED, that Kewadin Casinos Gaming Authority is requested to stop all sales of electronic cigarettes and related paraphernalia.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

~~“Electronic Cigarette” shall mean a device designed to delivery nicotine in a vaporized form.~~

SUBCHAPTER XV: ALCOHOL ~~and Nicotine~~ RELATED OFFENSES

71.1501 Delivery of Liquor to a Minor.

(1) Offense. A person commits the offense of delivery of liquor to a minor, if he sells, furnishes, procures for, or knowingly assists in the furnishing of any beer, wine, or intoxicating liquor to any person under the age of twenty-one (21) years.

(2) Sentence. A person convicted of delivery of liquor to a minor may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

(3) For the purposes of this section, the terms "beer," and "wine," and "intoxicating liquor" shall have the meaning as defined in Tribal Code Chapter 41: Liquor Control Ordinance, and particularly '41.202(1), (13) and (7), respectively.

71.1502 Illegal Consumption of Liquor.

(1) Offense. A person commits the offense of illegal consumption of liquor, if he consumes any beer, wine or intoxicating liquor in any public place except on premises upon which there is lawful authority to sell such liquor by the drink for consumption on the premises.

(2) Sentence. A person convicted of illegal consumption of liquor may be sentenced to imprisonment for a period not to exceed one (1) month, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

(3) Comment.

(a) Possession of a container of beer, wine or intoxicating liquor on which the United States excise tax seal has been broken or removed, on from which the cap, cork or seal placed upon it by the manufacturer has been removed shall constitute a rebuttable presumption of consumption.

(b) For the purposes of this section, the terms "beer," and "wine," and "intoxicating liquor" shall have the meaning as defined in Tribal Code Chapter 41: Liquor Control Ordinance, and particularly '41.202(1), (13) and (7), respectively.

71.1503 Public Intoxication.

(1) Offense. A person commits the offense of public intoxication, if he appears in any public place manifestly under the influence of alcohol, narcotics or other drugs to the degree that he may endanger himself or another person or property.

(2) Sentence. A person convicted of public intoxication may be sentenced to imprisonment for a period not to exceed one (1) month, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

71.1504 Under Age Possession of Liquor by a Minor.

(1) Offense. A person under the age of twenty-one years old commits the offense of Underage Possession of Liquor by a Minor if he or she:

- (a) buys, receives, possesses, consumes any beer, wine or intoxicating liquor;
- (b) attempts to buy, receive, possess or consume any beer, wine or intoxicating liquor; or
- (c) has any bodily alcohol content.

(2) It is not a violation of this section for a person to possess beer, wine or intoxicating liquor during the course of his or her employment.

(3) Affirmative Defense. It shall be an affirmative defense to the charge of Underage Possession of Liquor by a Minor that the alcohol was consumed in a jurisdiction where it was legal for a person of the person's age to consume alcohol.

(4) Upon conviction for a first violation of underage possession of liquor by a minor, a person may be confined in an appropriate facility for a period not to exceed one month, or to pay a fine in an amount not to exceed One-Hundred Dollars; or both.

(a) Upon conviction for a first violation of underage possession of liquor by a minor, the defendant must complete a substance abuse assessment. The defendant is responsible for ensuring that the results of the substance abuse assessment are delivered to the Court before sentencing.

(5) Upon conviction for a second violation of underage possession of liquor by a minor, a person may be confined in an appropriate facility for a period not to exceed three months, or to pay a fine in an amount not to exceed Two-Hundred Dollars, or both

(6) Upon conviction for a third violation of underage possession of liquor by a minor, a person may be confined in an appropriate facility for a period not to exceed six months, or to pay a fine in an amount not to exceed Three-Hundred Dollars, or both.

(7) Deferral or Delay of Sentence. If a person has no prior convictions, or juvenile adjudications, for possession of alcohol by a minor, or any law of another jurisdiction which is similar in scope and penalty, and the person either pleads guilty to a criminal complaint or admits the allegations of a juvenile petition, the Court may, without entering a judgment, place the person on probation. If the person violates any of the terms or conditions of probation, the Court may enter an order of conviction. If the person completes all the terms of his or her probation the Court shall release him or her and dismiss the proceedings; however,

(a) A non-public record of the plea will be kept at the Court.

(b) The record of the plea shall be made available to the Court, Sault Tribe Law Enforcement, and the Sault Tribe Prosecutor upon request.

(c) If a person violates 71.1504 subsequent to entering a plea under a deferral or a delay of sentence, the plea that was deferred or delayed may be considered as a prior conviction for the purposes of sentencing.

(d) Only one deferral may be granted under this section.

(8) For the purposes of this section, the terms “beer”, and “wine”, and “intoxicating liquor” shall have the meaning as defined in Tribal Code Chapter 41: Liquor Control Ordinance, and particularly 41.202(1), (13) and (7), respectively.

(9) “Any bodily alcohol content” means either of the following:

(a) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person’s body resulting from the consumption of alcoholic liquor, other than the consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

71.1505 Under Age Possession of Nicotine Products by a Minor.

(1) Offense. A person under the age of Eighteen (18) years commits the offense of underage possession of nicotine products by a minor, if he buys, receives, possesses or consumes, or attempts to buy, receive or possess any nicotine delivery systems.

(2) A person convicted of underage possession of nicotine products by a minor be sentenced to the following:

(a) upon a first offense, one session of education, to include traditional use and commercial abuse education, two educational tobacco related assignments, and two hours volunteer work in the community; and

(b) upon a second offense, three weekly educational sessions of one hour each with a local youth education staff member; and

(c) upon a third offense, a minimum of eight hours volunteer work, not to exceed 24 hours; and

(d) upon a fourth and subsequent offense, confinement in an appropriate facility for a period not to exceed one (1) month, or to pay a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00), or both.

(3) For the purposes of this section, the term “nicotine delivery systems” includes any item or substance used for the consumption, ingestion, use, or ~~absorption~~ of nicotine into the human body. Nicotine delivery systems shall include, but not be limited to: cigars, cigarettes, snuff, chewing tobacco, vapors, oils, wax, liquids, ~~e-cigarettes~~ electronic cigarettes (e-cigs), vape mods, vape pens, edible products, dissolvable products, and any raw materials containing nicotine.

(4) Affirmative Defense. Any person charged with under age possession of nicotine products by a minor shall be relieved of all liability for the offense if:

(a) he or she can demonstrate that the tobacco was possessed for religious or ceremonial purposes.

(b) he or she can demonstrate that the nicotine product was prescribed by a doctor to overcome nicotine dependence or addiction.

71.1506 Delivery of Nicotine Products to a Minor.

(1) Offense. A person commits the offense of delivery of nicotine products to a minor, if he sells, furnishes, procures for, or knowingly assists in the furnishing of any nicotine delivery system to any person under the age of eighteen (18) years.

(2) Sentence. A person convicted of delivery of nicotine products to a minor may be sentenced to imprisonment for a period not to exceed ~~six (6) months~~ one (1) year, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

(3) For the purposes of this section, the term “nicotine delivery systems” includes, ~~any~~ item or substance used for the consumption, ingestion, use, or absorption of nicotine into the human body. Nicotine delivery systems shall include, but not be limited to: cigars, cigarettes, snuff, chewing tobacco, vapors, oils, vape mods, vape pens, ~~e-cigarettes~~ electronic cigarettes (e-cigs), edible products containing nicotine, and any raw materials containing nicotine.

(4) Affirmative Defense. Any person charged with delivery of nicotine products to a minor shall be relieved of all liability for the offense if he or she can demonstrate that:

(a) the tobacco was delivered to a minor for religious or ceremonial purposes.

(b) the nicotine product was prescribed by a doctor to overcome nicotine dependence or addiction and it was being delivered to the prescribed minor for that purpose.

71.1507 Use of Nicotine and Nicotine Delivery Systems on School Grounds Prohibited.

(1) —Offense. A person commits the ~~civil infraction~~ offense of ~~using of an electronic cigarette~~ use of Nicotine and Nicotine Delivery Systems on ~~schools~~ school grounds if they use or are in possession of a nicotine or a nicotine delivery system, as described herein, ~~an electronic~~

~~cigarette (insert our definition of schools grounds) on tribal school grounds. and may be sentenced to a fine not to exceed One Thousand Dollars \$1,000.00.~~

~~(2) Sentence. A violation of this subsection shall constitute a civil infraction of a fine next to exceed \$1,000.00.~~

71.1508 Use in Gaming Facilities Permitted.

~~(1) —Offense. A person commits the civil infraction of the offense of using an electronic nicotine delivery system cigarette on tribal lands if they use an electronic cigarette more than fifty feet from the exterior of any gaming facility and may be sentenced to a fine not to exceed \$500.00.~~

~~(2) Sentence. A violation of this subsection shall constitute a civil infraction of a fine not to exceed \$500.00.~~

71.1508 Ban on Sale of Electronic Cigarettes.

~~(1) Offense. A person commits the offense of selling electronic cigarettes nicotine delivery systems if they sell, trade or barter away electronic cigarettes any type of nicotine delivery system as described herein.~~

~~(2) Sentence. A person convicted of selling nicotine delivery systems may be sentenced to up to 3 months in jail, a fine of up to \$500.00, or both. and may be sentenced to _____ Board needs to fill in.~~

RESOLUTION NO: _____

OPPOSING FERROCHROME PROCESSING FACILITY

WHEREAS, the “Ring of Fire” mining proposals for chromite ore in northern Ontario are controversial and have potential to severely disrupt northern First Nations communities including Cree and Ojibwe relatives; and

WHEREAS, development of this chromite deposit would require a smelter operation to refine chromite ore and produce ferrochrome for export to Asian markets; and

WHEREAS, Noront Resources, a Canadian mining company, wishes to create a ferrochrome processing facility (smelter) in northern Ontario, and after considering four cities has come to an agreement to develop a smelter operation on lands currently occupied by Algoma Steel in the Canadian Sault; and

WHEREAS, ferrochrome processing has a track record of environmental pollution affecting people, in all places globally where this has taken place, so that most such developments in recent decades have been located far from population centers; and

WHEREAS, one of the significant pollutants emitted by ferrochrome processing plants is Chromium VI, also known as Hexavalent Chromium, a known human carcinogen in minute exposures; and

WHEREAS, the Tribe has a stewardship role over the land, air, water and all the natural resources within its reservation boundaries; and

WHEREAS, the Tribe has a Treaty responsibility for the preservation, protection and enhancement of the waters of the St. Mary’s ecosystem.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians opposes the building of a ferrochrome processing facility anywhere near the Great Lakes or our Traditional homelands.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

OPPOSITION TO ENBRIDGE AND GRAYMONT

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians opposes all efforts by the Canadian mining company Graymont to conduct limestone mining in the Eastern Upper Peninsula; and

WHEREAS, the Tribe opposes all efforts by the Canadian energy company Enbridge, Inc. to continue to operate Line 5 under the Straits of Mackinac; and

WHEREAS, both Enbridge and Graymont have sought to sway public opinion through disingenuous public relations campaigns, which take the form of advertisements, signage and other media, and those campaigns pay various local vendors, institutions, governments or businesses sums of money in furtherance of the disingenuous public relations campaigns; and

WHEREAS, the Tribe and its wholly owned governmental instrumentalities cannot in good conscience provide funding of any type to those local vendors, institutions, governments or businesses that accept sums of money in furtherance of the disingenuous public relations campaigns of Enbridge and Graymont; and

WHEREAS, the Tribe acknowledges that local vendors, institutions, governments or businesses may view participating in these disingenuous public relations campaigns as no more than a means of revenue - but the Tribe feels strongly that we all should do everything possible to ensure that the Straits of Mackinac are free from the threat of a catastrophic oil spill and that vast stretches of our public forest are not lost.

NOW, THEREFORE BE IT RESOVED, that the Board of Directors orders that requests for funds from vendors, institutions, governments or businesses (excluding schools and or projects for the benefit of children) that accept sums of money in furtherance of the disingenuous public relations campaigns of Enbridge and Graymont be denied.

BE IT FURTHER RESOLVED, that the Board of Directors orders that requests for funds for the benefit of schools and/or children from entities that have received funds from either Enbridge or Graymont shall be considered by a vote of the Board of Directors.

BE IT FURTHER RESOLVED, that the Administration is directed to promulgate a process for the implementation of the above.

BE IT FINALLY RESOLVED that this prohibition shall be prospective from the enactment of this resolution.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians