

MEMORANDUM

TO: Board of Directors
FROM: Joanne Carr, Executive Assistant
DATE: October 15, 2020
RE: Workshop Agenda for October 20, 2020

AGENDA

10:00 a.m. –
Negotiations
Gaming Commission
Executive Reports
Executive Director
General Counsel
CFO
EDC
CEO

Lunch

1:15 p.m. –
Claims Care
Continue with Executive Reports

3:30 p.m. – Agenda Review

Oct. 27: Tribal Court; Budget – Casino
Nov. 3: Utility Authority
Nov. 10: Educational Update; Transportation; Budget – Schedule C
Nov. 24: Grants Management

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

October 20, 2020

5 p.m.

- I. CALL TO ORDER
- II. INVOCATION: Prayer, Smudging, Presentation of Grandfathers
- III. ROLL CALL
- IV. PRESENTATION:
- V. MINUTES: 6-09-2020
 6-16-2020
 6-23-2020
 6-30-2020
 7-6/7-2020
 7-14-2020
- VI. RESOLUTIONS: Bud Mods:
 - Law Enforcement Covid Supplement Funding
 - Am. Legion Verteran's Agreement
 - Contract Support – Kewadin Casinos
 - Tax Liabilities – Kewadin Casinos
 - Residual Cares Act Tribal Relief Funds
 - Board Pension Plan – Social Security System
 - State of Emergency Health Requirements
- VII. NEW BUSINESS: Chairperson's Intent – Referendum 2020 Consent Decree
 Board Concerns
- VIII. ADJOURN TO EXECUTIVE SESSION:
- IX. RECONVENE AND REAFFIRM
- X. ADJOURN

BOARD OF DIRECTORS REGULAR MEETING

October 20, 2020

Sponsor's List

RESOLUTIONS:

Bud Mods:

Law Enforcement Covid Supplement Funding -Bob Marchand
Am. Legion Verteran's Agreement – Joel Lumsden
Contract Support – Kewadin Casinos - Legal
Tax Liabilities – Kewadin Casinos – Legal
Residual Cares Act Tribal Relief Funds – Legal
Board Pension Plan – Social Security System – Director Freiheit/Legal
State of Emergency Health Requirements- Directors Hoffman, Gravelle, Matson, Lowes

NEW BUSINESS:

Chairperson's Intent – Referendum 2020 Consent Decree- Chairperson Payment
Board Concerns – Director Causley

RESOLUTION NO: _____

**LAW ENFORCEMENT –
CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING
ACCEPTANCE OF GRANT AND ESTABLISHMENT OF 2021 BUDGET**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, as amended; and

WHEREAS, the Michigan State Police, Grants and Community Services Division, from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, has awarded the Sault Ste. Marie Tribe of Chippewa Indians \$136,167 in Coronavirus Emergency Supplemental Funding.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes acceptance of the Coronavirus Emergency Supplemental Funding Grant; and authorizes Aaron Payment, Tribal Chairperson or his designee, to sign, negotiate, execute, and amend any documents resulting therefrom on the Tribe's behalf; and

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 2021 budget for Coronavirus Emergency Supplemental Funding with Department of Justice monies of \$136,167.00. 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 _____ 2020; 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: _____

**AMERICAN LEGION
TRIBAL VETERANS SERVICE OFFICER AGREEMENT**

WHEREAS, the American Legion Department of Michigan has hired a Tribal Veterans Service Officer(s) for the purpose of facilitating additional assistance, including health and welfare assistance, for the veterans in the area of the Upper Peninsula; and

WHEREAS, the Board wishes to provide the funding for this position for fiscal year 2021, Beginning October 1, 2020 and ending in September 30, 2021, and is subject to review and extension at that time; and

WHEREAS, there exists sufficient third party revenue available to support this expenditure in fiscal year 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes and directs the Tribal Chairperson of the Tribe to renew the existing approved terms of the contract with the American Legion Department of Michigan, pursuant to which the Tribe will provide a grant not to exceed \$103,000.00 annually, and the American Legion will hire and supervise this staff and will provide, at a minimum, monthly reports detailing all activities of the staff to support the expenditure together with such other reporting as may be required by the Department for oversight purposes.

BE IT FURTHER RESOLVED, that the Health Division and Executive Director shall ensure that oversight is provided to ensure that health services are made available and to assist in identifying any necessary services that may be added to the Tribe's Health Division internally.

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 _____ 2020; 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: _____

**RESOLUTION TO ADDRESS
CONTRACT SUPPORT COST SETTLEMENT FUNDS TO KEWADIN
CASINOS**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (the “Tribe”) organized pursuant to the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians; and

WHEREAS, through Resolution 2020-90 the Board of Directors made funds available to the Kewadin Casinos to help address the impacts of the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby confirms the terms of repayment for previous funds issued from the Tribe’s Contract Support Cost Settlement Fund that were made available to the Kewadin Casinos under Resolution 2020-90, entitled Resolution to Support Sault Tribe Programs, Services and Employees During State of Emergency”, pursuant to the attached loan term sheet.

BE IF FINALLY RESOLVED, that the Board of Directors reserves the right to amend the terms of this Resolution on an ongoing and as needed basis as additional guidance, funds, and needs arise.

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 _____ 2020; 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: _____

**RESOLUTION TO ADDRESS THE TAX LIABILITIES OF
KEWADIN CASINOS**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (the “Tribe”) organized pursuant to the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians; and

WHEREAS, through Resolution 2020-103 the Board of Directors provided a tax waiver to the Kewadin Casinos to help address the impacts of the COVID-19 pandemic; and

WHEREAS, the Board of Directors has determined this tax waiver should no longer be maintained at this time.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby fully rescinds the terms of Resolution 2020-103, entitled “Kewadin Casinos Tribal Tax Payment COVID-19,” including but not limited to the reduction of tax payments made therein, and directs the Tribal Chairperson, or their designee, to execute all necessary documentation to properly record the rescission of tax payment reductions.

BE IF FINALLY RESOLVED, that the Board of Directors reserves the right to amend the terms of this Resolution on an ongoing and as needed basis as additional guidance, funds, and needs arise.

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 _____ 2020; 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: _____

DEPLOYMENT OF RESIDUAL CARES ACT TRIBAL RELIEF FUNDS

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (the “Tribe”) organized pursuant to the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians; and

WHEREAS, the Tribe has allocated and budgeted CARES Act Relief Funds in accordance with its existing administrative and budgeting procedures; and

WHEREAS, the Tribe has identified the need to efficiently reallocate CARES Act Relief Funds previously allocated and budgeted by the Tribe’s Board of Directors on an as needed basis to alleviate COVID related costs and burdens which may impact the financial resources of the Tribe, Tribal Divisions, and Tribal Enterprises.

NOW, THEREFORE, BE IT RESOLVED, that the Tribe should and does hereby grant the Tribe’s COVID-19 Executive Taskforce discretionary authority to reallocate CARES Act Relief Funds within and amongst the Tribe’s CARES Act Relief Funds company, including but not limited to: (1) within and amongst Tribal Division budgets and cost centers, including to directly cover eligible tribal government employee payroll and benefit expenses, (2) from the Tribal CARES Act Relief Fund company into the Tribe’s COVID-19 Small Business Recovery Program, and (3) from the general Tribal CARES Act Relief Fund company to Subrecipients.

BE IT FURTHER RESOLVED, that the Tribe’s COVID-19 Executive Taskforce shall only exercise the discretionary authority conferred by this resolution to reallocate budgeted CARES Act Relief Funds as necessary to alleviate COVID related costs and burdens which directly impact the financial resources of the Tribe, Tribal Divisions, and Tribal Enterprises and any reallocation of funds shall be carried out in full compliance with the requirements set forth in the CARES Act and U.S. Department of Treasury Guidance.

BE IF FINALLY RESOLVED, that the Board of Directors reserves the right to amend the terms of this Resolution on an ongoing and as needed basis.

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 _____ 2020; 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: _____

RESOLUTION TO RETAIN EXISTING EQUITY EARNED IN BOARD PENSION PLAN PER PAST REFERENDA AND APPROVE AN AGREEMENT WITH THE SOCIAL SECURITY ADMINISTRATION TO ALLOW TRIBAL BOARD PARTICIPATION IN THE UNITED STATES SOCIAL SECURITY SYSTEM

WHEREAS, the Tribal Board of Directors approved a TBOD Pension Plan, effective February 1, 1998; and

WHEREAS, a Tribal Referendum vote was held in 2009, to provide a technical fix to the TBOD Pension Plan and was approved by the Tribal Membership; and

WHEREAS, in Tribal Social Security Fairness Act of 2018 (“Act”) was signed into law on September 20, 2018, to allow federally recognized Indian tribes to extend Social Security coverage to elected executive positions voluntarily through an agreement with the Commissioner of Social Security under 218A of the Social Security Act; and

WHEREAS, the Act directs the Social Security Administration, at the request of a federally recognized tribe, to enter into an agreement with the tribe for the purpose of extending Social Security benefits to the tribe’s elected leadership; and

WHEREAS, to guard against any potential advantages or “windfalls” from participating on both a pension plan and social security, the Congress included the Windfall Elimination Provision (WEP) in the Social Security Amendments of 1983 that will downward adjust a worker’s social security benefit if no exception applies to the worker as a matter of fairness; and

WHEREAS, the Tribal Board of Directors voted to appropriate funds in the 2020 budget to cover employer portion of the TBOD’s participation in the federal social security system; and

WHEREAS, the Tribal Board of Directors has not yet voted to participate in the United States Federal Social Security System and that a vote of the Tribal Board of Directors is necessary for participation.

NOW, THEREFORE, BE IT RESOLVED, the Tribal Board of Directors hereby authorizes and approves the terms of the Tribal Social Security Fairness Act of 2018 and the Coverage Agreement attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, from here forward the Tribal Board of Directors shall participate in the United States Social Security System and continue to have the option to participate in the Board Pension Plan.

BE IT FURTHER RESOLVED, any equity earned to date under the current Board Pension Plan shall be recognized and honored for seat and retired Board Members who are eligible.

BE IT FINALLY RESOLVED, that the Tribal Board of Directors hereby authorizes and approves its Chairperson, or in his absence, the Vice-Chair, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions, and intent of this Resolution.

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 _____ 2020; 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: _____

STATE OF EMERGENCY HEALTH REQUIREMENTS

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (the “Tribe”) organized pursuant to the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians; and

WHEREAS, pursuant to the Constitution of the Tribe, the Board of Directors has the power to regulate trade, commerce, and all manner of criminal and non-criminal conduct within the boundaries of its reservation; and

WHEREAS, the Board of Directors is authorized by Article VII Sec. 1(n) of the Constitution to delegate certain powers and responsibilities to appropriate subordinate boards, organizations, officer, employees, and directors; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors and Gaming Authority each declared a state of emergency at special meetings March 17, 2020 due to the spread of the novel coronavirus, or COVID-19; and

WHEREAS, Under the Board of Director’s resolution, the tribe’s Executive Director, casino CEO and EDC Director have been authorized to modify policies and procedures, order closures, cancel events, implement programs and other steps necessary to protect the public; and

WHEREAS, the Tribe seeks to provide clarity during this State of Emergency regarding health regulations and requirements, and to provide flexibility to adjust as deemed necessary to ensure the safety and well-being of our Tribal Community.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Tribe of Chippewa Indians Health Director, working in collaboration with the Covid Task Force, is empowered to enact and administer Health Regulations pertaining to ALL Tribal Lands and Facilities during the Declared State of Emergency.

BE IT FINALLY RESOLVED that ALL individuals shall be required to follow the regulations enacted to ensure the safety and security of the Tribe.

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 _____ 2020; 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
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